

Controversial Questions about Islam and Comments

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In the Name of
Allah
the Most Merciful
the Beneficent

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Introduction to the third Edition

All my thanks are due to Allah who enabled me to write this book, and may peace be upon all messengers of Allah.

It is among the common intentional or unintentional mistakes for some people to criticize the Divine law depending only on our limited mental abilities in sensing things and comprehending them. Our means of hearing, seeing, smelling...are so limited that even with the use of technological extensions we are still short of recognizing countless things that we live with or among them.

Therefore, it is necessary to make use of two kinds of methods of authentication: textual and logical. The textual depends primarily on the authenticity of the chains of the narrators. In case of the Holy Quraan and the Prophetic Traditions, the chain begins from the Prophet down to the last one who puts it in writing. Meanwhile, the logical methodology depends primarily on our personal senses and reasoning faculty.

When the information concerned is related to the Divine Will and commands, there is no alternative except to resort to the textual methodology. This is so because our human comprehension and reasoning fall short of passing judgment on Divine knowledge. For example, by reviewing the slow and tedious development of the human discovery of the natural laws that have existed since the creation of the universe, we can recognize how limited our knowledge is. There are still endless things to be discovered by our weak tools and limited resources.

Still among the other common intentional or unintentional mistakes is criticizing the small part that we know, depending on our limited knowledge and limited reasoning ability. This tendency is often demonstrated in relation to Divine laws.

Nevertheless, out of ignorance we dare to quote some verses from scriptures after stripping them of their proper contexts. Thus, we come up with some meanings that partially or totally contradict their intended meanings. The danger of this practice becomes especially serious when the texts concerned are authenticated holy texts.

For example, some people discuss aspects of Islamic law from a secular perspective only; i.e., from a perspective, which denies the existence of life in the Hereafter or from a perspective, which does not see any relationship between this temporary life and the Eternal Life in the Hereafter. In fact, this life is only a farm to produce fruits for the Eternal Life. We do harvest some of the crops in this life, but the real crop to be harvested is in the Eternal Life, life in the Hereafter.

The other example is that some researchers discuss parts of Islamic law neglecting the fact that discussing only parts of the law stripped from its natural context is similar to evaluating a part in a harmonious system, disregarding the other complementary parts. Those people are similar to a person who wonders about the benefit of night and darkness that arouse fear and horror and costs us much to illuminate. This person ignores or forgets that without night and darkness we cannot recognize daylight or light nor do we appreciate them.

Therefore, the wise person before criticizing or evaluating a unit of law or a system should first be acquainted with the function of this unit in the whole system and the effect of the other units on it.

The main purpose of this booklet is the following:

1. To answer the hot questions raised about Islam: beliefs, rituals, laws, and moral values; human rights; the missionary

nature; terrorism, and violence; status of women; Islamic law and extremism.

2. To introduce the major issues and to demonstrate that Divine teachings are not mysteries, but they are in perfect harmony with the pure natural disposition of man, which should guide people's moral values. However, we have to look at these laws with an open mind.

In this book the author has followed these rules:

1. To chose the most often asked questions about Islam by Muslims and non-Muslims.
2. To utilize daily life examples to explain briefly the issues under discussion.
3. To confine the discussion to the out weighing opinions when there is a difference of opinions, but when there is a conflict both opinions are mentioned along with their supporting evidences.
4. To exclude information not closely related to the Islamic teachings themselves.

This work is a product of my personal experience and readings about this type of dialogues.

Finally, I would like to extend my sincere appreciation to all who helped in this modest effort, whether by writings, verbal comments or by reviewing the draft. And to my brother, Prof. Mahmood Saleh my sincere thanks for editing the book.

Saeed I. Sieny
9/16/2007

Islam: Beliefs, Rituals and Laws

Islam is a set of beliefs, worship rituals, laws, and moral principles covering all aspects of life. It is the last version of the Divine message, which was revealed by Allah⁽¹⁾ to all his messengers, starting from Adam throughout Noah, Abraham, Moses, Jesus and Muhammad the seal (the last) of the messengers (May peace and blessings of Allah be upon them all). All these messengers invited to what realizes felicity for all human beings. Each in his own time brought suitable teachings for his people; i.e., a specific time and a group of people. Then, Islam came to be a message for all accountable beings (the Jinn and the Humans). Addressing prophet Muhammad the Holy Quraan reads: {We have sent you but a mercy for the whole world.}(²)

What are the Basic Beliefs and Rituals?

The basic beliefs of Islam are based on the fact that this life is not the whole story, simply, because some people are born to enjoy their intelligence or wealth and others to suffer their dumbness or poverty. Some of them become victims of others who may as well escape punishment in this life. Some of them relax with their good luck, and others toil with their bad luck to the end of their lives. If this is what life is, then where is justice? Therefore, there must be an eternal life where the final account takes place and the infinite justice is realized.

(¹) The word "Allah" is the unique name of God in Arabic, which does not have a plural form.

(²) Holy Quraan 21 :107.

The basic beliefs are constant throughout Divine messages. According to the Islamic version these include: believing in a creator for the whole universe, His angels, His books, His messengers, the day of resurrection and the prerecording of the universe's events: the good of it and the bad.⁽³⁾ The Corner stone of the beliefs is to believe in one god and that He alone to be worshiped. The Holy Quraan reads: {Allah forgives not that partners should be set up with Him. But He forgives anything else to whom He pleases.}⁽⁴⁾

In addition to bearing witness that there is no god but Allah and that Muhammad is a messenger of Allah, the major worship rituals are to perform the obligatory prayers, to pay the obligatory charity (*zakaat*), to fast the month of Ramdhan and to perform pilgrimage for those who can afford it.⁽⁵⁾ These worship rituals are closely related to the Muslim's daily life activities. For example, the five-time daily prayers are required to be performed at specific ranges of time, cleaning the exposed parts of one's body, and doing some physical exercises...

All these remind a Muslim of the necessity of taking care of one's time, observing cleanliness, organization, concentration in doing work and remembering one's duty towards Allah... Paying charity and fasting remind a Muslim of his duties towards his fellow men... Performing pilgrimage in a specific place and time encourages communication and cooperation between the peoples from the different parts of the world.

It is true that some parts of the rituals are apparently similar to the rituals adoring idols, such as facing the Kaaba in Mecca during prayer and circumambulating it as a requirement

⁽³⁾ Holy Quraan 2: 285; Muslim: The belief,

⁽⁴⁾ Holy Quraan 4: 48, 116.

⁽⁵⁾ Muslim: the belief

of pilgrimage. In reality, there is a great difference between the two because:

1. The Islamic rituals which look illogical in appearance are direct commands of God and performing them means complete obedience to God.

2. The rituals invented by human beings are considered deviations from the original teachings, whether they are logical or illogical in appearance.

It is note-worthy that these beliefs and rituals are not subject to effect by the changes occurring to life style or the means except in a very limited sense. Among these approved changes is, for instance, to perform two bowings while traveling, instead of four, or the permission to postpone fasting the month of Ramdhan.

As far as the *Shari'ah* (law) that regulates the relation between people is concerned, it is more affected by the continuous changes of life styles and means. Even after fourteen centuries Islamic law is still efficient.

How Can We Apply 14-Century Old Laws Today?

Some Muslims and non-Muslims alike may wonder how can we implement a law of 14 centuries ago today. It is a logical question if we do not have enough idea about the nature of the Islamic *Shari'ah*. But then, we also forget that human beings have written constitutions to last hundreds of years. If this is possible for the humans why is it not possible for God, Whose knowledge encompasses everything across time and space?

What is the Ruling for a Muslim who Raises this Question?

A Muslim that raises this kind of question is, in fact, neglecting the very fact that as a Muslim he should believe that Allah is able to set laws to last till the Day of Judgment as He was able to create natural laws to last forever. Therefore, a Muslim should be cautious not to get trapped in plain heresy or

disbelief. For Allah says: {But no by your Lord, they can have no real faith until they make you judge in all disputes between them and find in their souls no resistance against your decision, but accept them with the fullest conviction.}(⁶)

A Muslim also forgets that he has no choice to pick what he likes of the commandments of Allah and neglect what he does not. Allah says: {...then it is only a part of the book you believe in, and do you reject the rest? But what is the reward for those among you behave like this but disgrace in this life? On the Day of Judgment they shall be consigned to the most grievous chastisement for Allah is not unmindful of what you do.}(⁷)

Here it is important to distinguish between the following kinds of submission:

1. Complete submission, as a principle, to all that has been attributed to Allah either directly or indirectly. This submission is not subject to question at all.

2. Complete submission to the authentic texts of clear-cut meanings. This submission (or full acceptance) is also not subject to question at all.

3. Submission to a specific school of thought or a legal opinion. This kind of submission (or rather full adherence) is not a must because multiplicity or diversity of opinion is acceptable in many cases. It is only acceptable if submission is based on one's conviction, without excluding the possibility of being wrong in some cases and that the others may be right.

A true Muslim believes that Islamic teachings guarantee felicity and peace in this life for all people and other accountable beings, (⁸) if it is implemented by most of them. It

(⁶) Holy Quraan 4: 65 and see 59, 105; Holy Quraan 3: 23-24; Holy Quraan 5: 50; Holy Quraan 6: 57, 107; Holy Quraan 12: 40; Holy Quraan 24: 47-48, 51; Holy Quraan 42: 10.

(⁷) Holy Quraan 2: 85.

(⁸) The Jinn and the Humans, The creatures that God distinguished by providing

also guaranties success in this life and in the Hereafter if a Muslim implements most of it in his life.

In other words, the effect of Islamic law is not confined to the temporary life but includes the Eternal Life. A Muslim cannot ignore this fact, because he should believe that Divine law is better than any man-made law. For Allah knows better what secures success in both lives for his creation.

Islamic law comprises basic rules or detailed rules that include the creatures'/people's relationship with Allah and the relationship among the creatures. In other words, Islam is a whole package deal comprising the basics of faith, the rituals, a complete set of laws, and moral values.

Islam did not leave any aspect of life without basic rules, which goes in harmony with the other basic rules to point in the end to the oneness of the source of the Divine law. The basic rule usually acts as a center or axis around which revolves the secondary rules and the exceptions.

From the discussions below of the various topics, we will discover that Islam is more capable of balancing between reality and fantasy, the individual's rights and the group's rights and between the requirement of felicity in this world and in the Hereafter.

It has guaranteed, fourteen centuries ago, numerous rights for the weak, which human laws did not provide until the last century. These human laws are still struggling to keep up with Islam in this field.

them with some degree of freedom to choose between wrong and right, the natural disposition along with guidance through His messengers and with the ability to comprehend and implement the provided guidance in their lives. He made this life as a test to cultivate for the Eternal Life and to enjoy within the set boundaries; i. e., made them accountable for their behavior. (Ismaeel, Prerecording.)

How does Islamic Law Relate to Reality?

It is true that people, with what Allah has bestowed on them such as their natural disposition and acquired knowledge, can discover some of the wisdom behind the Divine teachings. But they should not dare to claim that they are qualified to recognize the wisdom behind **all** the teachings and perfectly well.

It is also true that the teachings related to the relationship between people and other creatures are subject to be affected by the changing styles of living and available means. However, because Islam is the last version of the Divine message, and it is to all humanity and other accountable beings and for all times, Allah has provided it with characteristics that make it applicable anywhere and at all times.

In fact, whoever scrutinizes even some of the worship rituals will notice the phenomenon of interaction between the holy texts and reality clearly demonstrated. Among the examples is that a Muslim is required to wash his hands, face, and foot ... for prayer. But in the absence of water or its scarcity the symbolic act of patting a earth surface and rubbing the face and the hands will do. Also normally the noon, after noon and the evening prayers are composed of four bowings but during traveling two bowing would suffice. And whoever traces the revelation of the Holy Quraan or Islamic teachings in general will clearly notice the gradual introduction of the rulings. For example, it took twenty three years to complete the Islamic teachings. Even a specific ruling may come gradually, such as the prohibition of drinking wine, which was done in stages, because it was a very common practice.

This phenomenon is well demonstrated in the acceptable difference among the Muslim jurists. One of the other examples is abrogation of an old ruling with a new ruling, which is more suitable to a new situation.

However, we should differentiate between the abrogation of the clear-cut ruling and refraining from implementing the ruling in certain cases, because they do not apply. Among the well-known examples of this case is when Umar (the well known Companion of the Prophet Muhammad) protested against granting a non-Muslim a piece of land out of courtesy. This non-Muslim used to exploit a share of *zakat* (obligatory charity) assigned to the influential non-Muslims out of courtesy.⁽⁹⁾ The other famous case was when Umar, then Second Caliph, refrained from enforcing the ruling of cutting off the hand of the thief, because there was a public famine and stealing was done out of necessity. ⁽¹⁰⁾

Umar, here, did not cancel the Islamic rulings but only refrained from implementing them because some provisions of application were lacking.

A related case was when Umar approved changing the name and the amount of *jiziah* which was used to be paid by non-Muslim citizens in lieu of Muslims paying *zakat* for the public treasury and for exemption from military service in case of a certain Christian tribe.⁽¹¹⁾

There is certainly, a difference between abrogating the ruling and refraining from its application or modifying it to suit a special case.

Any way, today's taxes can swallow the whole *zakat* required from a Muslim citizen or part of it. Likewise, what was called *jiziah*, paid by a non-Muslim citizen in an Islamic state, could be included in the required taxes.

On the other hand, to avoid contradiction, as much as possible, within the official courts, Muslim scholars approve

⁽⁹⁾ an-Nahwee p. 438.

⁽¹⁰⁾ Musnad ash-Shafiee. Vol.1: 224.

⁽¹¹⁾ Abu Yusuf pp 129-130.

standardization of Islamic law by choosing a specific school of thought or a certain compilation of rulings.⁽¹²⁾

Nevertheless, this does not mean that all judges will always reach to a similar ruling in all cases because of the relative flexibility of Islamic law in general.

What are the Reasons for the Permanence of Islamic Law?

Since Islam is the last version of the Divine message and it is addressed to the whole accountable beings (the Humans and the Jinn) God provided His Law with special qualities that make it applicable, regardless of differences of time and place. Among these qualities are the following: ⁽¹³⁾

First: The highly authentic texts concentrate on establishing the basic rules that are founded on the basic natural needs of man and other accountable beings, such as the spiritual component, the mental, the psychological and the physical as well as basic needs. For example, all creatures need a super invisible power that is able to secure good for them and protect them from evil. They all need knowledge and reasoning ability to be able to deal efficiently with the environment around them. They all need to eat and drink and have shelter in order to survive. This fact is evident in the Holy Quraan and part of the Prophetic sayings. Example of these rules are the importance of obedience to the Commands of Allah contained in the Holy Quraan and the Prophetic traditions, establishing justice and fighting injustice and commending fair dealings but forbidding usury, and instituting marriage as the only way to secure the best and fullest form of cooperation and coordination between unrelated men and women.

Second: Allah made the basic rules to function as center of the detailed teachings. The changes, usually, touch only the style and the means but not the basic needs of human beings.

⁽¹²⁾ al-Gasim pp. 233-273.

⁽¹³⁾ al-Gasim pp. 197-204.

Third: In the Prophetic traditions, especially, some of the rulings were detailed. These are the fixed rules, which do not, for the benefit of man, change or should not be changed. They include rulings that are definitely required or forbidden. This is because we should keep changes within the boundaries of the natural disposition (of human beings), which balances between the needs of happiness in this world and in the Hereafter. Without this kind of balance success and happiness cannot be obtained or maintained. And here comes the importance of the Divine laws which tell us what maintains the natural disposition, what causes damage to it and what repairs its depravity because the Creator knows best.

People with their different tastes and whims, regardless of their technological advancement, are not qualified to pass judgment on the things of which they do not have full, or even sufficient, knowledge. This is because human knowledge and man's means of perception, even concerning the material environment, are limited. Human's means to perceive the things that cannot be sensed by their limited senses are even more limited. No wonder man is still ignorant of countless things, although he has to deal with them everyday.

Forth: Allah made the following as the main sources of Islamic law:

1. The Holy Quraan. It is from Allah, the content and the wording. It has been preserved orally through memorization by several parallel chains of *Hafiz* (who memorize the whole Quraan), a student from a teacher till the chain reaches Prophet Muhammad. It was also preserved in a written form from the very early days of Islam.

2. Prophetic Traditions. These comprise the sayings of the Prophet Muhammad, his deeds, and his reactions to things said or done with his knowledge. They are actually a set of applications of the Quraanic teachings, explanations and

additions covering all aspects of life, because the Prophet himself was a father, a husband, a shepherd, a trader, a warrior, a state man etc.

These traditions were preserved orally though narrators till compiled in written forms, with varying degrees of strictness of verification procedures, depending on the scholar who recorded them. However, most of the traditions were recorded by utilizing very strict procedures of verification.

3. *Ijtihad*. It means putting the principles into an applicable form, matching the new cases to the existing cases and finding solutions for the new cases, which have no reference to in the Holy Quraan or the Prophetic Traditions. This is done by using pure logic, keeping in mind that these conclusions do not contradict the clear cut texts of high authenticity or the basic principles of Islam. In other words, *ijtihad* includes these principles: Qias, Istihsan, al-Masalih al-Mursalah, sad adh-Dharayi' and al-Istis-hab ('analogy, discretion, public interest'...) All these principles depend mainly on reasoning and logic. The common law is also another source, which helps Islamic laws to be adjusted to the various localities.

These sources leave a great room for flexibility, which, in turn, enables the holy texts to interact efficiently with the changing reality. They also enrich Islamic law with acceptable multiple legal opinions that can meet all new cases, present or still to come.

This is certainly different from depending completely on the taste and whims of the true or false majority that may deviate from the natural disposition of man, partially or completely.⁽¹⁴⁾ The criterion in Islam is Divine revelations and inspirations and opinions guided by them.

(¹⁴) The majority can be real or false by nature because the voters do not always represent the majority of the population. Furthermore, majority can be

4. Consensus of *Ijtihad*. The individual *ijtihad* gains more strength when these legal opinions gain the consensus of the scholars during a distinguished generation or period of time such as the generation of the Companions of the Prophet, the generation that followed it... Therefore, the scholars concerned with *ijtihad* methodology list it after the Holy Quraan and the Prophetic traditions in terms of strength.

This being the case, no wonder the *Shari'ah* (Islamic law) has great flexibility sufficient to deal with the new issues and cases of life, though it is based on stable foundations that go back fourteen centuries.

This flexibility manifests itself in many forms. Among these are the following:

1. Acceptable multiplicity in accepting or rejecting some of the Prophetic Traditions.

2. Acceptable multiplicity in interpreting some of the holy texts. A person without the proper tools should not tamper with interpretation of the Quraan or Prophetic traditions, because he would be liable to unknowingly commit gross errors. An example is a Prophetic tradition, which states that the fly has disease in one wing and medication in the other. A person, out of ignorance, may say: "Why should we bother if the flies touch our food?" This person forgets that the tradition is a fact which could be used in one case when, for example, a fly falls in a cup of water, especially under conditions of scarcity of water, we make sure that both wings are dipped in the water for it to be potable. Certainly, this does not mean to generalize this fact randomly. This person also ignores that there are numerous Prophetic traditions, which make cleanliness and protection of drinks and food from harmful thing a must.

On the other hand, why do we doubt an authentic Prophetic tradition while we believe some purely human discoveries, such as the use of venom in preparing some medical products?

3. Acceptable multiplicity in diagnosing the reality.

4. Acceptable multiplicity in the way of matching between the reality and the related judgment. An example of this is the ruling of a bank selling goods by installment whether it is usury because their original business is financing not selling goods.

5. Acceptable multiplicity in choosing the secondary sources of Islamic law, such as to accept *istihsan* (common sense or discretion in weighing the secondary sources) or the model set by the people of Medina or to reject either or both.

Human Rights in Islam

Allah distinguished humans with many qualities. The Holy Quraan reads: {We have honored the sons of Adam with: provided them transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.}(¹⁵) Among these honors is to make Man as a vicegerent on Earth (¹⁶) and endowed him with the freedom to enjoy its good things and to invest it for the benefit of his life in the Hereafter, provided that he builds it and establish justice on it.

God created all humans from a single source; i.e., dust(¹⁷), and made them to multiply from a single male and female. Therefore, the Prophet said that there is no superiority of an Arab above non-Arab or vice versa and there is no superiority of a red person over a black or vice versa except with piety. This concept, however, differs from the exaggerated concept of absolute equality.

Among the favors conferred on man is to create him in the best mold,(¹⁸) and commending his parents to give him a good name, and to celebrate his birth. Islam also made it compulsory for his parents to educate him well to prepare him to attain felicity in the temporary life and in the Eternal one. Islam also conferred on him many rights from his community.(¹⁹)

(¹⁵) Holy Quraan 17: 70.

(¹⁶) Holy Quraan 2: 30; 33: 72.

(¹⁷) Holy Quraan 3: 59.

(¹⁸) Holy Quraan 95: 4.

(¹⁹) Al-Anani pp. Sieny, Political education.

What is the Islamic Concept of Justice and Equality?

Islam differentiates between justice and equality, because it considers justice as an absolute concept, but equality could be relative or absolute. Only when it is relative it can be equivalent to justice.

God created human beings and distinguished some of them with better natural gifts such as intelligence and better chances to acquire acquirable gifts such as wealth or dedication or sincerity. This distinction is to facilitate the complementary and competitive relations between the different groups. In the light of the Divine system of accountability this does not mean exclusion of justice. For absolute equality is different from justice. In fact, sometimes it contradicts justice.

An example of this is the equality between the diligent and the lazy, the sincere and the insincere, the intelligent and the dull, the father and the son, the teacher and the student, or the citizen and the non-citizen. This is why we have tests and contests, the legal ways of distinction between people. For the same reason, it was necessary for some to obey others. Without this arrangement, communities, countries and the universe cannot survive, regardless of whose perspective it is, the secular or the religious.

On the other hand, the opportunity for improvement in the area of the innate gifts is limited, but the opportunity for improvement in the area of the acquired gifts is widely open. Nevertheless, in both areas the more gifts one has the greater his responsibility towards himself and the community at large.

Only relative equality can be equivalent to justice because justice means to give everyone what he/she deserves or is suitable for.

Just or fair equality is also to judge a person according to his accomplishment or his effort in the light of his innate gifts.

Justice in Islam also means that there should be a sufficient reward and punishment, and just settlement of the rights between the creatures. Therefore, in Islam this life is not the whole story, but it is completed by the life in the Hereafter. In this world, the lucky enjoys his luck which he did not create himself; and the diligent would die without receiving his fair reward. The oppressor may not only escape the punishment but enjoys the injustice; and the oppressed my parish without fair compensation.

From these facts it springs the need to a fair and comprehensive accounting where each will receive his deserved punishment, unless God forgives him and the diligent receives his rewards multiplied endlessly. In the Hereafter also the final settlement of the rights between the creatures shall take place.

What is the Islamic Concept of Freedom?

Freedom in Islam does not mean absolute freedom of the secular cry. Islam is a realistic religion of a comprehensive perspective. Therefore, freedom in Islam is a relative thing because the humans are connected with a perfect and gigantic system of natural laws that run the universe, with the permission of Allah. God created the universe and runs it by His direct command (i.e., “be and it will be”) and by the natural laws that He has created. Furthermore, nothing can occur without his permission for He has a full control over His creation, and everything that will happen is prerecorded.

Certainly, this does not mean that God destined people to live the way they will live, as some of us like to perceive the concept of *alqadar* (fate). *Alqadar* is, actually, a prerecording of what will occur, based on the absolute knowledge of the Creator, which is not limited by time or space nor by the limited senses, as it is in the case of people or other beings.⁽²⁰⁾

⁽²⁰⁾) Ismaeel, Prerecording pp. 3-28.

The freedom of man is also limited by his responsibility towards his Creator Who made him a vicegerent on earth and made many creatures available for him to enjoy and to invest for the Eternal Life. This responsibility is based on three special gifts: the gift of thinking, the guidance (the holy books) and the relative freedom to choose between the causes of imminent results (natural laws).

It is evident that man cannot normally free himself from the effect of natural laws. However, he has the choice of neglecting Divine guidance and commands, with the knowledge of God. But then he has to face the consequences of his disobedience.

In addition to that, man is chained with his frame of reference: his family his community, his country... What is applicable to the individual is applicable to the minority; and what is applicable to any group within a country is applicable to any country in the international community.

Among the other constraints is that when a person willingly joins a group, to benefit from the membership advantages, he will certainly have to commit himself to their rules, including doing his duties as a member, until the membership expires; otherwise, he will be subject to punishment.

Nevertheless, with all these constraints man has a wide range of freedom in many affairs. In addition to the relative freedom to choose between good and evil according to the Divine teachings, he has numerous types of freedom incorporated under the different grades of acceptable or rejected multiplicity.

In Islam equality means equality of the efforts exerted in the investment of God's gifts.

Multiplicity and diversity are an essential factor for the human happiness. Without it there will be no competition that

motivates people to exploit nature to its utmost in order to secure their needs and welfare.

What about Freedom of Speech?:

Many Muslims believe that only the political system which is successful in the Western environment is the one that secures happiness for human beings, because it guarantees the freedom of speech. However, if we ask a Muslim: Do you want the kind of freedom the West has even though it is likely to be at the expense of the happiness in the Life hereafter? Most probably the answer will be: No.

But if we mean by freedom of speech the duty of a guided criticism of the miss conduct of any member of the community as well as to encourage good conduct, then we can assure that Muslims do not need to export systems which are successful in some alien environments. For in Islam encouragement of good conduct and discouragement of bad conduct is a religious duty, not a right which a person can give away. This duty is to be fulfilled guided by the Islamic teachings which are approved by the majority of Muslim scholars. It should be performed in a way that makes this indispensable tool for the human welfare realizes its goals. Among the basics of this way is to be a kind and a tender reminding. It is also important that the community is steadfast in doing it, encourage it by providing the required facility for training, securing the right environment for it to flourish and by protecting it from monopolizing.

Taking an example of a family situation, there are no means which better prevent deviation of its members than parents permitting the other family members to express their opinions in the family affairs or expressing their feeling, without the fear of being rebuked or punished. Even though, sometimes, the opinions are not ripe or the expression is harsh. This is better for the whole family than the parents living in a

false world where everything is going properly at surface and it is boiling in the darkness. It is better because discrepancies of the open conduct can easily be detected and to be repaired. While what goes in darkness is looks like cancer growing unnoticed and without any preparation to re battle it. In other words, It is better for the welfare of the whole family to tolerate some evils which are under their eyes than to tolerate the danger of hiding greater evils. Any way, there is no good thing without their proper prices.

What about Slavery in Islam?

Slavery was a practice imposed by the international norms at the advent of Islam.⁽²¹⁾ This common norm lasted for a long time. Islam had no choice but to act upon it to avoid being weak before its enemies. What confirms this fact is that there are other sources of slavery, such as parents selling their children and hunting free people to sell them, but Islam limited it to prisoners of war only. Not only that, Islam gave the Muslim ruler the choice of freeing captives for nothing or for a ransom or exchanging prisoners.⁽²²⁾ The Holy Quraan did not even mention enslaving as a choice. This is because in Islam all people are but brothers and sisters of each other. They are all servants of God. The only eternally valid criterion in the sight of Allah is piety; i. e., sincere love and fear of the Creator.⁽²³⁾ Therefore, Islam encourages Muslims to treat their slaves well and described the slaves as the brothers of their masters.⁽²⁴⁾

After all, Islam does not consider slavery a natural phenomenon but as an exceptional case, which should be dealt with, carefully balancing between the basic rule and reality.

⁽²¹⁾ See for example The Holy Bible: Deut. 20: ; 2 Sam. 12: 18-19; Kings 11: 3; Job 19: 14-16 ; 1 Peter 2: 18, 20-21.

⁽²²⁾ Holy Quraan , 47: 4.

⁽²³⁾ Holy Quraan, 49: 13.

⁽²⁴⁾ Qutub, Islam the Misunderstood pp. 62-111.

Once a captive is enslaved he becomes the property of someone. Therefore, he cannot be freed automatically by becoming a Muslim because Islam respects personal properties. Even the Prophet had to obtain the permission of the owners to release a captive once he became a property of someone. ⁽²⁵⁾

Emerging from the above principle, Islam took the necessary steps to completely eliminate slavery, once the legal source is abolished. It made freeing of slaves the first alternative of atonement for many sins. Similarly, it made helping free the slave a highly recommended act, even by using the public funds, and encouraged freeing slaves as a form of charity that brings a great reward in the Hereafter. Islam also made emancipation of the slave-girl obligatory after the death of her master if she bore him a child. It is worth noting that Islam did not make emancipation of a slave as the only form of atonement for certain sins in anticipation of a day when there would no slaves.⁽²⁶⁾

Thus, if Muslims commit themselves to the current principles of the United Nations in this respect, they are not adopting something new but are actually reverting back to the original ruling of Islam in this matter.

What is the Islamic Political System?

Any system is composed of two parts: the content (the principles) and the forms or procedures. Islam sets the comprehensive necessary principles of the social organizations (associations, private organizations) and the political (public organizations). But it did not make any specific form binding on them and left that to Muslims in the different ages and areas to choose what suites their reality and circumstances.⁽²⁷⁾ The efficient, detailed forms and procedures are usually a result of

⁽²⁵⁾ Ibnal Qayyim, Zad vol. 3: 471-476; Shoukani vol. 7: 304-307

⁽²⁶⁾ Holy Quraan, for example, 5: 89; 58: 3-4.

⁽²⁷⁾ Asad pp. 53-56; al-Awa pp.66-68.

the interaction between the principles and reality. The degree of interaction varies according to the different aspects of life, and in the political arena it is greater than in the others.

In other words, Islam does not encourage or discourage the hereditary system or the system that depend primarily on election, as long as the government submits to the Will of Allah represented by the Holy Quraan and the Prophetic traditions.

Islam encourages organization, to assign a leader for any group even of two members, which is clearly demonstrated in its rituals; and it encourages unity. Allah commands: {And hold fast all together by the rope of Allah and be not divided among yourselves.}(²⁸) It also encourages positive cooperation between people in general. Allah commands: {Help each other in righteousness and piety. But do not help one another in sin and rancour.}(²⁹) It also encourages people to cooperate in the fields of mutual interests. The best example of this is the treaty signed by the Muslims and the Jews and the polytheists in Medina at the time of the Prophet (pbuh).

Concerning the content or the principles, there are actually many similarities but there are major differences between the Islamic system and the other systems, among which are the following:

1. The Christian religious hierarchy, in the middle ages, was a human system, which was well organized in a system of high sacredness. The highest religious authority used to monopolize the power of legislation, and the power to interpret the Bible. In other words, the border was not clear between the authority of the Bible and the authority of the religious body. The church is a place of worship and an authority, while the mosque is only a place of worship and sometimes a learning center.

(²⁸) Holy Quraan 3: 103.

(²⁹) Holy Quraan: 5: 2.

In the Islamic system the distinction between the authority of the Holy Quraan and the Prophetic Traditions, on one hand and the authority of the scholars of the Islamic study on the hand is clear. This fact is true even though the role of the religious scholars is evident in interpreting the two sacred sources of Islamic teachings. In this system the scholars are completely independent persons; they do not belong to any tightly organized official body. Therefore, any qualified person can make his own interpretations based on his knowledge of the Arabic language and the other tools of interpretation that may differ slightly from one school of thought to another.

Furthermore, Islam leaves plenty of room for non-religious scholars to play their role in working out the procedural laws.

2. A completely secular system puts the whole authority of legislation in the hands of the majority, which could be a true one or a manufactured one. Religion is reduced to some beliefs and worship rituals.

In the Islamic system, beliefs, rituals and the law are but one harmonious unit guided, directly or indirectly, by the Divine Will, represented by the Holy Quraan and the Prophetic traditions. The religious scholars only participate, at least, by supervision in running the system, along with the other experts specialized in other fields required to operate the system efficiently.

In addition to that, criticism or legal “protest” is not only permitted but it is a duty ⁽³⁰⁾ that cannot be relinquished by the whole community, while in democracy freedom of speech is only a right which can be abandoned.

Consultation (opinion participation) is a right for any qualified person, one way or another, not limited by gender, age

⁽³⁰⁾) The over-seeing duty is called al-amr bil ma’roof wa nahie ‘anil munkar (enjoining good and forbidding evil).

or race. In the 'democratic' system usually those of influence are the ones who initiate decisions, formulate them, and write them. The influence is supposed to be generated from qualification. This is so because the nature of the system makes it more susceptible to be controlled by behind the screen forces, such as the power of money or the power acquired by illegal means.⁽³¹⁾

The role of the majority is usually confined to voting on a ready-made version regardless of their experience and qualification and whether the voters represent the real majority of the voting population or not.

However, Islam praises many principles sponsored by the democratic systems, such as the freedom of expressing opinions, ideas and feelings, provided that they do not violate the Islamic moral values or transgress the others' rights. For without good or sufficient diagnosis of the reality we fail to deal with the reality efficiently. Islam also appreciates the means that have been developed by the democratic system that enhance and encourage a wide range of consultation, before taking decisions or setting rules such as the legal elections and open forums of public affairs.

The secular system depends primarily on the principle of struggle and bargaining between the forces that have something to bargain with and have the experience to bargain. The winner is the most powerful and the most experienced in bargaining. Under the banner of this system self interests will win even at the expense of the peoples' interests with the majority's consent, because the absence of independent supervision except the human's, whose opinions could be manufactured or easily misled by resorting to some legal or illegal means.

⁽³¹⁾) The short period of period assigned for governance has numerous benefits but it makes governors more subject to the influence of the power of money during the election and after winning.

In the Islamic system the political system is a secondary means to secure happiness in this world and in the Hereafter. Supervision is not limited to human supervision for the real watcher is God who cannot be deceived. Accountability, in the Islamic system, is also not confined to this world or before people only. In this world and before humans a criminal could be proven not guilty and escape the punishment, but God knows the fact and the criminal will not escape His punishment. Not only that, but human supervision is supported by the Divine Law, and it is not limited to the human skill of persuasion and bargaining.

What about Citizenship and Religious Multiplicity?

Islam has experienced multiplicity in its first political unit in Medina.⁽³²⁾ It was a confederation which was composed of different races (tribes of the Medinite Supporters, tribes of the Meccan Immigrants and the Jews) and different religions (Islam, Judaism and polytheism).

Islam certainly takes care of the rights of the individuals and the groups, whether they are a majority or a minority, and it balances between them in a way that secures to each what it deserves. Islam takes care of all people, whether they belong to the majority or the minority, but each group according to its respective importance. In decision-making it grants the majority a special weight in the public affairs, where multiplicity is not possible and standardization is indispensable. This is so because the majority's rights outweigh the minority's rights. In fact, the term "*dhimmi*" which was used by the Muslim states is only a part of the term "minority" today. The term *dhimmi* is based on the difference of religion only, while the term minority is based on race, language or religion...etc

(³²) ibn Hisham [2: 107-108.

However, in the individual affairs, such as belief and worship, and in civil rights, Islam grants the minority its appropriate rights within the boundaries of the constitutional principles.

It is noteworthy that among the duties of the non-Muslim citizen is paying what was called *jizyah* for the benefit of the community that he belonged to and enjoyed its services. As for the Muslim citizen he has to pay *zakat* from his wealth for the needy and the community. Today's taxes of different sorts, actually include both what was called *jiziah* and the *zakat* or part of it. In fact, the *Jizyah* is imposed only on those who are considered to be fighters, but children, women, and the insane are exempted according to all Islamic jurists. And many Muslim scholars exempted the poor, old men, the blind, those who are chronically ill, clergymen, and farmers who do not usually fight.⁽³³⁾

Although, Islam acknowledges the special rights of the majority it emphasizes the rights of the minority. Prophet Muhammad said: "Whoever causes injustice to a non-Muslim citizen or resident or disdains him or over-burdens him or takes from him things without his consent I shall be the defendant of the mistreated."⁽³⁴⁾

It is because of this principle, which was implemented by the Muslim rulers in general that Christianity and Judaism not only survived, but also flourished in the Middle East throughout the Muslim reins. India is another example where Muslims governed for about seven centuries but never compelled any one to embrace Islam. No wonder if the majority of the Indians maintained their Hindu religion. It is also true that the Muslim armies have never reached the far East such as

⁽³³⁾ See for example: Ismaeel, Ibn Taimiyah, as Siyassah pp. 117-128; Ibn al-Qayyim, Ahkam pp. 42-51.

⁽³⁴⁾ Sunan abu Dawood: alKharaj; al-"asqalani vol.: 12: 270-2.

Indonesia and Malaysia but the majority of these nations became Muslims.

What about Human Relations?

Whoever rejects Islam as a way to salvation in the Hereafter but is not hostile to Islam or the Muslims, Islam encourages Muslims to deal with him kindly. It also encourages them to cooperate with him to achieve mutual benefits and prosperity in the temporary (worldly) life, provided that this cooperation does not endanger the Muslims' fate in the Eternal Life. Allah says: {O Mankind, We have created you from a male and a female, and made you into nations and tribes that you may know each other (cooperate with and compete). Verily, the best of you with Allah is the most pious.}(³⁵)

This verse emphasizes two facts:

1. Part of the differences between people is a natural disposition to stimulate interaction between them and to facilitate competition. However, the real criterion of success is achieved by complying with the commands of Allah.

2. Regardless of some differences, including the difference in faith, there are countless similarities and mutual interests and benefits to be shared with and to co-operated for, in order to secure happiness for all, at least in this temporary life.

The basic rule of the relationship between Muslims and non-Muslims is plainly stated in the following verses: {Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion. Verily Allah loves those who are just and fair. It is only as regards as those who fought you on account of your religion and have driven you out of your homes, and helped to drive you out that Allah forbid you to take them as guardians...}(³⁶)

(³⁵) Holy Quraan 49: 13.

(³⁶) Holy Quraan, 60: 8-9.

In fact, Islam distinguishes between who is neutral or supportive to Muslims, who reject Islam for themselves, and those who take a hostile stand. The first group's country was called in the past *Dar Silm*, (abode of peace) and the other's country was called *Dar Harb* (abode of war).

However with the establishment of the UN all member countries are *Dar silm* without ruling out the exceptions imposed by the reality, sometimes even though partially and temporarily. In other words, this question is supposed to be governed by international norms and circumstances. On the other hand, from the Islamic point of view individuals or groups should never take this decision in their hands. The matter should be left to governments. Usually, the decision of the individuals and the unofficial groups, in spite of their possible sincerity, is based on limited information and lacks far sightedness. Very often it misses the Islamic viewpoint, and sometimes it leads the Muslim nation or a great portion of it into regretful situations. This is natural because Islamic legal opinion should be based on a firm understanding of the Islamic teachings, clear and comprehensive information about the reality, and sufficient visualization of the end results.

Perhaps the decision of meeting the attackers of Medina out of the city or to defend it from inside in the battle of Uhud is a good example of this fact. The young Muslims, out of enthusiasm for Islam, thought it more appropriate for the brave Muslims to go out for the attackers. On the other side, the Prophet, in the light of the number and strength of the enemy, thought it more suitable to defend Medina from inside. The youth depended only on their sincerity and readiness to sacrifice their selves for the sake of Islam, while the Prophet was thinking of the safety of all Muslims and the future of Islam. Certainly, there is a great difference between the two ways of looking at the situation.

However, this does not exclude the fact that some decisions at the governmental level could be more disastrous decisions, mainly, because of the arrogance of the decision makers.

What about Dialogue across Religions?

Some people of various religions may hesitate to participate in “dialogues between religions” believing that this kind of dialogue means subjecting one’s religion to be questioned by the others or to give up parts of their religion. This assumption is not true, simply because this dialogue is not actually between the religions but between their followers. In general, dialogue under this name could mean:

1. Mutual acknowledgement of each other’s religion being a true religion. This kind of acknowledgement is usually rejected by the missionary religions such as Christianity and Islam, because if they accept that, why do they waste efforts and money to invite the others to their own religion? Perhaps any mutual effort to promote both religions together undergoes this type of dialogue.

2. Mutual acknowledgement of the right of each other’s religion to exist and to exert some effort to find peaceful ways for coexistence and to develop cooperation in the fields of mutual interests. Islam certainly encourages this kind of dialogue.

3. Each party trying to persuade the others with their own religion believing that their religion is the one that secures felicity in both lives for humanity. If we look carefully at the efforts of God’s messengers (peace and blessing be upon them all), we find that their efforts are nothing but initiation of this kind of dialogue. It is their duty as well as the duty of all preachers. Dialogue is the best environment for preaching, because the minds are usually at peace and are more ready to comprehend the other party’s opinion and evidences.

4. Spontaneous or casual dialogue, which is built in the daily life activities where the participants utilize the verbal and non-verbal means of communication.

Does Islam Support Human Rights Organizations?:

Sometimes, organizations of Human Rights affiliated with the UN raise legal and political issues, which contradict the principles of the UN itself. For example, they interfere in some of the national laws, which have been chosen by the majority and are applied locally.

There is no doubt that the motives of most of the members of these organizations are good. However, their sincere over-enthusiasm leads to issuing resolutions that violate the right of the majority of some nations to decide what is good for them, in this life or even in the Hereafter. These resolutions are sometimes misused against some cultures, violating the very freedom of these nations, which have voluntarily chosen to become members of the UN. It seems like there are some behind the scene forces penetrating these organizations to exploit them to achieve special purposes, such as damaging the relationships between nations and negating the principles of the UN by utilizing twisted ways. These facts raise a few questions, among which are:

- 1 – What are the sources of authority that these organizations are trying to impose on the members of the UN? Did the majority of their nations elect them?
- 2 – If the members of these organizations represent their governments, are their resolutions superior to the majority's decision in their countries?
- 3 – If the participants of the conferences and the members of these organizations do not represent the governments of any nation, from where does their legal force stem?

- Does it stem from the Principles of the UN? In fact, their resolutions violate these principles, which emphasize the right of each nation to choose its own local laws.
- Does it stem from democratic values? In fact, their resolutions violate democratic values by contradicting the majority's will.
- Does it stem from the principles of justice and human rights? In fact, their resolutions violate the human rights of the majority's will of the countries concerned.

It is evident that these organizations have no legal power that makes their resolutions superior to the local laws of the UN members. These resolutions are only recommendations based on personal or semi personal opinions which could be useful or harmful.

However, Islam encourages any effort to help the oppressed including non-Muslims.⁽³⁷⁾

Therefore, these conferences and organizations should be supported to interfere in some of the cases, which they are doing well in dealing with, and some oppressed people are benefiting from their good efforts. Among these are:

1 – In case a nation oppresses another nation.

2 – In case a government oppresses its citizens or citizens of another nation in violation of the local laws or some international laws.

3 – In case of citizens of certain countries invading the land of another nation by force and driving the original inhabitants out of their homes and lands.

4 – In case the minority's government abuses the majority and deprives them their proper share in the natural

⁽³⁷⁾) Sieny, Muslim and non-Muslim pp.41-42.

resources of the country or the opportunity of education, or to choose the work they are qualified for, or to live wherever they can afford, in terms of cost or other acquired provisions; but not provisions based on race or fait.

The Missionary Nature of Islam

There are groups who consider their way as the best to realize felicity in this life and in the Hereafter, but do not care to share it with the others. There are others who see their way to be the best to secure happiness for human beings in this life, and are ready to compel the others to adopt it. And there are still others who believe that their way is the only way to secure felicity and peace for human beings in both the temporary and the Eternal Life. They also care for the others as much as they

care for themselves. So they are eager to share their way with the others, but without trying to compel anyone.

Muslims belong to the last group. Their religion, Islam, commands them to invite all accountable beings (the jinn and humans) to share Islam with them. Allah says in the Holy Quraan: {Invite to the way of your Lord with wisdom and fair preaching, and argue with them in a way that is better. Truly, your Lord knows best who has gone astray from His path, and He is the Best Aware of those who are guided.}(³⁸)

Islam is a complete set of beliefs, rituals, laws and moral values. It invites both the jinn and humans to a comprehensive peace in this life and in the Hereafter. It encourages them to cooperate in order to achieve maximum happiness in both lives.

Peace, as most of us know, means to grant every adult the opportunity to work for his own happiness without interference from the others, except to try to help him to achieve what he wants or a better one, but without compulsion. This is so, because the original rule of dealings between the adults is that they are all equals; the relation is not a relation of a guardian to a receiver of guardianship.(³⁹)

Why Muslims Propagate Islam?

Muslims propagate Islam because they are concerned with realizing peace and prosperity for all mankind (and any other accountable beings) in this mundane life and in the Eternal Life. There is no stronger evidence that Islam cares for the good of all people. At the same time, Islam considers every adult, male or female, free in this world to make his or her choice of faith, but to expect the consequences of his or her choice in the Eternal Life. Allah says: {there is no compulsion in religion. Verily, the right path has become distinct from the

(³⁸) Holy Quraan 16: 125.

(³⁹) Ismaeel, The relation pp. 107-112.

wrong path.}(⁴⁰) And it also reads: {every person is a pledge for what has earned.}(⁴¹)

However, when a person chooses to be a Muslim he enters in a life-long covenant with Allah, and he has to commit himself to what Islam has made compulsory to do or to avoid. Otherwise, he exposes himself to punishment and to be deprived of the great rewards promised in this life and in the Hereafter. We can compare this to a person who willingly accepts to be a citizen of a certain country. Then, it becomes incumbent on him to abide by the laws of that country. He should do what he is required to, and he gets what he deserves. There is only one big difference between the two; he could be expelled from the country, but no one can deprive a person of being Muslim against his will.

Why Non-Muslim Missionary Activities are not Allowed?

Some Islamic countries forbid missionary activities of other faiths or ideologies because of two major reasons:

1. The whole citizenship or the majority are Muslims and they have chosen Islam as their way of life, to secure felicity in this life and in the Life Hereafter. This means:

a) To believe in a creator for the whole universe, Allah, glorified be He.

b) Allah alone deserves to be worshipped.

c) All creatures can communicate with Him directly.

d) Allah distinguished the jinn and human beings with abilities, such as reasoning faculty and relative freedom, and provided them with guidance in the form of the natural disposition of man and the Divine messages through God's messengers. Therefore, they have to account for their deeds in this temporary life and to reap their fruits in the Eternal Life, where there is only Paradise or Hell-Fire.

(⁴⁰) Holy Quraan, 2: 256.

(⁴¹) Holy Quraan, 74: 38.

e) It is necessary for the accountable beings (the jinn and humans) to obey the commands of Allah; i.e., to do what they are commanded to do and to refrain from what they have been forbidden.

Thus, it becomes clear that current religions and ideologies contradict the Islamic religion in one or more principles. Promotion of these religions or ideologies threatens the security of the Muslim citizens, not only in this life but also in the Eternal Life.

2. A great percentage of the citizens are not adults, and the government is responsible for their safety including their fate in the Eternal Life. But those who live outside their countries, whether they represent themselves or represent their governments, the governments do not prevent them from exposing themselves to the alien faiths or ideologies. In fact, the adults who are qualified to expose themselves to these religions and ideologies are often helped to study them.

This law is actually in harmony with the international codes concerning cultural rights, which grants the parents or the guardians the right to choose the type of education for their children.⁽⁴²⁾

It is natural that some governments prevent some activities because from its own point of view they are dangerous activities that undermine the internal security of the country, even when these activities endanger only the temporary life of the citizens. This kind of law, which is approved by the 'democratic' systems, becomes more critical if these activities endanger not only the temporary life but also the Eternal Life of the citizens.

In fact, as long as these laws do not pose any imminent threat to others, they are in harmony with the Charter of the

⁽⁴²⁾) the Human Right Resolution, article 26: 3; International Agreement referring to the Economic, Social and cultural rights 13: 3.

UN, which emphasizes the independence of its members, and protects it.

Aside from the law that prohibits missionary activities, all Muslim countries, one way or another, permit non-Muslims to practice their faiths and to apply their civil laws, provided that these laws are not in a sharp conflict with the laws chosen by the majority and does not endanger the security of the country. This common practice by the Islamic countries is derived from Islamic law, which also gives a special status for the area occupied by the Kingdom of Saudi Arabia, the host of the two holiest cities to all Muslims in the world.⁽⁴³⁾

Why not Openly Practice other Religions in Saudi Arabia?

Why other faiths cannot practice their religion openly in Saudi Arabia (in the form of official places of worship)? To discuss this issue we have to establish certain facts, including the following:

1. To be affiliated to the UN does not mean that the member states should give up their faiths or local laws or traditions, as long as the member does not enforce them on the other nations. Therefore, all nations reserve their rights in these matters, including the 'democratic' countries. The Charter of the UN reads:

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.⁽⁴⁴⁾

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter;

⁽⁴³⁾) for example see: Sieny, Muslim non p 20-24.

⁽⁴⁴⁾) The Charter of the United Nations, article 1: 2.

but this principle shall not prejudice the application of enforcement measures under Chapter VII.⁽⁴⁵⁾

2. According to the democratic secular principles the minority cannot impose its laws on the majority.

3. Foreigners are not eligible to vote, because they have their rights in their own countries. In fact, their residing in a foreign country is based on a mutual contract between them and the government of the foreign country, which has issued them the visa. No party has the right to demand anything that is not mentioned explicitly or implicitly in the contract after the contract has been signed. And all local laws are included under the implicit provisions. This is to say that before signing the contract each party has the freedom to accept or reject the provisions of the contract, and no party can force the other party to accept his conditions without the other's consent. So the foreigner, before accepting the visa, has to weigh the benefits that he will get from entering the country and those conditions, and then decide to accept it or quit.

After concluding the contract, the foreigner has to respect the local values if he enters the country. This is a common practice and a natural one, even among the democratic countries. As examples we can quote the following:

1. If a child was born to a foreigner in the USA, this child cannot enter the USA without an American passport, although this may expose this child and his parents to punishment by their own country. However, this child or his guardians can choose not to enter the USA, and no one can force them to do so.
2. Most of the countries, if not all, distinguish between different types of visa that have different

⁽⁴⁵⁾ The Charters of the United Nations, article 2: 7. Article 7 is concerned with threatening the international peace and how to deal with it.

kinds of restriction: student visa, tourist visa, business...etc.

3. Many Muslim minorities live in non-Muslim countries where they cannot apply some very basic parts of Islamic law. Because Islam is a practical religion it relieves those Muslims of applying these laws. Among these laws are: capital punishment, cutting of the hand of the thief and lashing adulterers. In fact, Islam encourages these Muslims to be good citizens of high moral values.

If this is the case of a citizen who belongs to a minority in his own country, then it is natural for a foreigner to abide by the local laws during his stay in a Muslim country till the termination of the contract. After all, he has the right to choose between entering the country or not, and no government can force him to do so.

Regarding the diplomats, the officers are usually of different faiths and sects and change from time to time. Besides, their commitment to their faiths and values ranges from weak to strong. Therefore, they are permitted to practice their faith and to observe their rituals in their private places, which are protected by the diplomatic conventions. In addition to that, diplomatic conventions call to mutual respect of the national laws.

The people of the Kingdom of Saudi Arabia, which hosts the Islamic holiest cities in the world, has chosen the Islamic package of laws, and this law prohibits openly practicing two religion in the Arabian Peninsula.⁽⁴⁶⁾ Therefore, it is the responsibility of the Saudi government to implement this law.

This law also includes the prohibition of non-Muslim's entry of Mecca, the holiest city in Islam, which Muslims all over the world face when performing their five daily prayers and where they go to perform their pilgrimage.

⁽⁴⁶⁾) Muwataa Imam Malik, Book of Jami'.

This is also not unusual because we often run into signs of “no entrance is permitted for the unauthorized” or the like in buildings of the public or private organizations in ‘democratic’ countries or non-democratic ones. These signs are sometimes made for security reasons, to prevent disturbance, or, in the case of Mecca, to protect the sanctity of the City. Therefore, it is natural for the unauthorized persons to respect the will of the persons concerned.

Even demanding equal treatment in this matter is a violation of the personal freedom. You cannot demand that a person let you in your house because you willingly decided to let him in your house. By doing so you are neglecting the fact that, in this matter, everyone is free to do what suites his\her circumstances or is comfortable for him\her.

Islam Forbids Oppressive Terrorism and Violence

It is strange that some prominent politicians and opinion leaders do not differentiate between “terrorism” and “violence” and between oppressive terrorism and defensive terrorism. Neither do they consider fanaticism as a relative matter.

In fact, there is a clear distinction between violence and terrorism. Violence is confined to using physical violent means such as beating, physical torture and using weapons etc. to express a feeling, an opinion or to achieve a special or a public goal. Terrorism, on the other hand, includes physical and non-

physical means. It includes verbal abuse and non-verbal threats, enforcing economic siege, voting against, or using the veto against, the resolutions that condemn or punish the aggressor in the General Assembly of the UN and in the Security Council. Terrorism can take the form of oppressive press campaigns that propagate hatred and disdain against a group or a nation. Terror may not kill instantly, but it may kill in the long run, after a long suffering of hunger and pain.

We also have to recognize that terror in itself is not pure evil or goodness. It is a means, which is not designated to evil or goodness. It can be used to defend the truth, to defeat an oppressor or defend a victim. It can also be used to cause injustice to the innocent, to rob people of their properties and money, deprive them of their rights and occupy their lands.

In other words, we can distinguish between two kinds of terrorism: oppressive terrorism, and defensive terrorism. However, offensive terrorism is uncontrolled, but defensive terrorism is usually controlled by the natural disposition of man or by laws.

It is a common fact among the adherents of religions of Divine origin that this life is a test to distinguish between the good that deserve rewards and the bad who deserve punishment, especially in the Eternal Life. Thus the struggle between the followers of the truth and the followers of falsehood, and the between the supporters of justice and the supporters of injustice is vital. Allah says in the Holy Quraan: {Did not Allah check one set of people by means of another there would be surely have been pulled down monasteries, churches, synagogues and mosques, in which the name of Allah is commemorated in abundance measure.}(⁴⁷)

Terrorism sometimes occurs unintentionally or even against the will of the person who causes it. But if he is

(⁴⁷) Holy Quraan 22: 40.

reminded of what he is doing and persists in doing it, he is considered an aggressor, and so is the one who knowingly helps him.

Because Islam invites to comprehensive peace in this life and the Hereafter, it condemns using terror to cause injustice to any person and assigns an appropriate punishment for it, but after making sure that it has been unjustly used as a means of aggression.

However, Islam considers it a necessary means to remove aggression and to help the helpless innocent people. This is what Muslims call “*Jihad*” or “fighting in the cause of Allah.” Allah says: {Permission to fight is given to those who are oppressed...}(⁴⁸) and says: {And what stops you from fighting in the cause of Allah and for those weak, ill-treated and oppressed among men, women and children.}(⁴⁹) Allah also says in a Divine tradition: {O my servants I have forbidden injustice to Myself and I have forbidden it among you.}(⁵⁰)

In other words, “*Jihad*” in Islam is not an oppressive act but a legal defensive act, which is approved by all laws, including those of the “democratic countries” and others. It is the legal justification for building strong armies and developing highly destructive weapons.

In general, those who use terror could be classified into these categories:

1. A person who uses it for aggression, regardless of whether he believes in the Eternal Life or not. And by so doing, he violates the natural disposition, the man made law and the Divine teachings, including the Islamic teachings.

(⁴⁸) Holy Quraan, 22: 39-40.

(⁴⁹) Holy Quraan, 4: 75.

(⁵⁰) Muslim: al-Bir was Silah; A divine tradition is a tradition which meaning from God but wording is of the Prophet.

2. A person who uses it to defend his own life, dignity and properties or to defend the innocent who are oppressed, even though he may not believe in the Eternal Life. This person is usually motivated by the natural disposition.

3. A person who uses it to defend his own life, dignity and properties or to defend the innocent who are oppressed, and he believes in the Eternal Life. This person is usually motivated by both the natural disposition and the Divine teachings, which promise a great reward for so doing.

The last category is the most courageous of all and ready to sacrifice his own life, because it considers this life as a means, not as a goal by itself. Perhaps, this is one of the reasons behind suicidal operations carried out by the oppressed religious persons.

Generally speaking, Muslim scholars' opinion about these operations is divided between two legal opinions:

1. Those who approve it and encourage it as long as it is a legal defensive operation. In their opinion, all soldiers in all types of systems are required to do their best in a defensive situation even though they may have to sacrifice their own lives.

2. Those who prohibit that because they consider this a kind of intentional suicide, which is forbidden in Islam even for a legal cause. Although this differs from the personal causes i.e. to take one's life in his hand out of despair of life, which is absolutely forbidden.

In all cases Islam forbids killing the innocent, the aged, women and children unless they actually engage in aggressive terrorism.

What is the Difference between Oppressive and Defensive Terrorism?

We have already mentioned that both the oppressor and the oppressed use terror, but how can we distinguish between

the two cases; i.e., the one who uses it for aggression and the one who uses it for defense?

The basic criterion between the two types is:

Who used it first against the other? The first one who used it is the one who is using it for aggression, and the second is the one who is using it for defense. And whoever supports and helps the aggressor is an aggressor himself, and whoever supports or helps the oppressed holds the status of the oppressed.

Sometimes, it is difficult to tell who started it. Therefore, we need another criterion. The second criterion is to try to bring reconciliation and the one who rejects a fair judgment is the oppressor. Allah says: {And if two parties or groups among the believers fall to fighting, then make peace between them both; if one of them outrages against the other, then fight you all against the one that outrages till it complies with the command of Allah.}(⁵¹)

Terrorism could appear in other forms such as to punish a person without sufficient evidence or to exceed the limits of reasonable punishment. The punishment for a specific crime should be fixed in terms of severity. We cannot be lenient with a friend or someone from whom we expect benefits and to be harsh on someone whom we consider an enemy. Allah says: {O you who believe stand out firmly for Allah as just witnesses; and let not the enmity and hatred of others make you avoid justice...}(⁵²) Therefore, Islam completely rejects violation of independence of a member of the UN under any unproved **accusation**.

It is natural that in spite of the clear teachings of Islam that some Muslims may violate them and use terror for

(⁵¹) Holy Quraan, 49: 9.

(⁵²) Holy Quraan, 5: 8.

aggression. It is also natural that all nations try to bring up their citizens to behave correctly, yet their prisons are full of criminals. But we cannot say that all nations are criminals or bring up criminals. It was reported that there were 175 incidents of terrorism in the USA between 1982 and 2001, and 143 out of them were attributed to Christians. Can we say that Christians are terrorists? It is certainly unfair to generalize or attribute the bad acts of a few to all or even to the majority.

If some democratic governments that call to justice supported a country, which was established on pure religious fanaticism by driving the original inhabitants out of their lands and homes, can we say that all democratic regimes encourage oppression? And if some democratic governments claiming to fight terrorism by waging war against some poor countries while continuously support a state based on oppressive terrorism, can we say democracy is a hypocritical system?

How Islam Deals with Offensive Terrorism?:

Islam treats offensive terrorism by three means:

1. Provision of good discipline from childhood and instilling the principles that prohibit aggression and oppression, and encourage justice and fairness.

2. Removal of the causes of offensive terrorism by protecting human rights, providing fair trial, securing just treatment, encouraging cooperation in the ways of goodness, and securing decent means of living.

Therefore, no wonder if the second Guided Caliph Omar put at halt the punishment of cutting the hand of the thief during the year of famine.

It is wiser for us to find out the reason behind terrorism and to remove it than rushing to condemn it and punish people for it. Sometimes, we blame the oppressed desperate random defensive violence causing some innocent victims, but we forget or ignore to condemn the oppressive violence that cause

thousands of innocent victims face humiliation, hunger and death after long suffering.

Some countries may blame some defensive terrorism against them, but ignore to remove the cause, which is in their hands. Instead, they agitate terrorism more by committing more atrocities against the oppressed or continue supporting the oppressor.

It is note worthy that some decision makers of some countries base their decisions on misleading information, provided by some prejudiced or ignorant information sources. In the light of this fact, the decision makers should be more careful try to verify the information from several first hand sources as much as possible. This is not to exclude the fact that some of the decision makers may forge some information to realize personal goals. And here comes the role of the wise opinion leaders of the nation and the dedicated honest media men and women.

3. Islam assigns suitable punishment for offensive terrorism, but after proofing guilt beyond doubt, which authorizes the judge to reject some suspicious confessions. This is so, because punishing innocent people out of negligence and insufficient investigation or revenge-like punishment, will only agitate more offensive, random terrorism.

Does Establishing Quranic Schools Instill Hatred and Fanaticism?

As it was made clear by the above quotations from the Holy Quraan, Islam invites all humans and the jinn to comprehensive peace and felicity, not only on the level of this temporary life but also on the level of the Eternal Life. The Holy Quraan also makes it compulsory for Muslims to respect the others' rights, regardless of the difference in faith. The Holy Quraan encourages everyone who reads it with comprehension to stick to the highest moral values and to treat all people kindly, even to do favor to them and to care for their happiness

in both the temporary life and in the Eternal Life. Allah says: {Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion Verily Allah loves those who are just and fair. It is only as regards as those who fought you on account of your religion and have driven you out of your homes, and helped to drive you out that Allah forbid you to take them as guardians...}(⁵³)

The Holy Quraan, for instance, encourages observing the rights of the guests, the neighbors, the kinships, and of the parents, even if they were non-Muslims. Allah says: {And We have enjoined on man to be good and dutiful to his parents; but if they strive to make you join with Me in worship anything as a partner... then do not obey them}.(⁵⁴)

The Holy Quraan is concerned for the dignity and the honor of people, and it encourages self-esteem, without arrogance, and praises strength, without oppressing others.

It also includes the history of the struggle of Prophet Muhammad, description of those who took a hostile position against him and his preaching as well as about his tolerance of the harassment of his enemies for about fourteen years, till he was finally granted the permission to defend himself and fight back.

We all know that many wars have occurred in the world between the various races, religions, and states. Both sides in these conflicts have utilized different types of terrorism: violence, psychological, spiritual, mental suppression...etc

Can we say that all parties in these conflicts are oppressive terrorists? Or it depends on the actual motivations of each, whether it is oppressive or defensive.

All countries have armies, military academies, and pay a great deal of attention and spend great fortunes to train their

(⁵³) Holy Quraan, 60: 8-9.

(⁵⁴) Holy Quraan, 29: 8; see also 31: 15.

soldiers to use the destructive weapons efficiently. In fact, the most technically developed democratic countries are the most advanced in the area of developing the most destructive weapons in the whole world. Not only that but they are the sellers of these weapons to the lesser-developed countries. And they are the ones who brag about having the most advanced and capable armies and having the most advanced facilities to develop the most destructive weapons.

Can we say that these countries encourage oppressive terrorism and train their citizens to be more efficient in carrying out oppressive terrorism, or terrorists? The answer is certainly no, because a wise person should prepare himself within his capabilities to defend himself against injustice and oppressive terrorism. This is why all laws of the whole globe legalize self defense, regardless of whether these laws are Divine or man made. They all grant permission to defend oneself, properties and honor.

Some Western politicians claim that teaching the constitution of the Muslims, the Holy Quraan, instills hatred and fanaticism because it includes the history of parts of the struggle between the Muslims and some of the non-Muslims. Using the same logic, should we say: "We have to forbid all nations to teach their histories because they agitate hatred and fanaticism even between the various groups in the same country? In fact, there is a great deal of documentaries about the world, regional or civil wars that are full of the bloodiest fighting. Should we forbid them too?

In addition to that, there are many texts in the Bible if taken out of their proper contexts they would seem to be very violent. For example, in the Old Testament the Bible reads:

“So now **kill every boy and kill every woman who has had sexual intercourse**, but keep alive for yourselves all the girls and all the women who are virgin.”⁽⁵⁵⁾

It also reads: “The Lord your God will bring you into the land that you are going to occupy, and He will drive many nations out of it... When the Lord your God places these people in your power and you defeat them, **you must put them all to death**. Do not make an alliance with them or show them any mercy. Do not marry any of them, and do not let your children marry any of them...”⁽⁵⁶⁾

In the New Testament the Bible reads: “I tell you, he replied, that to those who have something, even more will be given; but those who have nothing, even the little that they have will be taken away from them. Now, **as for those enemies of mine who did not want me to be their king bring them here and kill them in my presence.**”⁽⁵⁷⁾

Should we take these verses as encouraging offensive terrorism? A wise person will say: NO. These verses and the similar holy texts should be understood within their proper contexts.

⁽⁵⁵⁾ Numbers 31: 17-18.

⁽⁵⁶⁾ Deuteronomy 7: 1-2, see also Deuteronomy 20: 10-18.

⁽⁵⁷⁾ Luke 19: 26-27.

Status of Women in Islam

Islam emphasizes and enhances the natural disposition, which Allah has instilled in His creation. Allah has created men and women, with different attributes, for each to fulfill part of the essential needs for both to live happily in this life and to work more efficiently for the Hereafter. He made them indispensable and complementary to each other. They are like the day, which is composed of two indispensable parts: night and daytime; also electricity, which is composed of two elements that blow life into many lifeless materials.

Among the things that Allah Has distinguished the female with is that He made her highly affectionate and emotional in her behavior. Besides, He made her elegant and fragile to increase her attractiveness, though it limits her freedom of movement in the environment where she lives. She was made tender and affectionate to be capable of absorbing man's stiffness and to attract him, and to provide him with the psychological refuge and sooth his pains and relieve his worries. Also she was made to be more ready to sacrifice herself for the others in order to be suitable to take care of the children.

In fact, all these qualities are indispensable to the happiness of any family or community. It was proven by the psychological experiments that females are stronger than males in surviving the unusual psychological situations and recovering from psychological shocks.

On the other hand, Allah Has created man to be distinguished with strength to protect his family, and to make him more capable to move freely in the environment where he lives. He can wander freely in a wider area; i.e., go to isolated or deserted areas, and he can move more freely during the late

hours of the night and in darkness. Man is also less exposed to aggression and more capable to defend himself.

However, when we speak about the distinctive characteristics of men and women, we should bear in mind that there are exceptional cases where a man or a woman may excel in the other's field of specialty.

What is the Status of Women Compared to Men?

Some people like to quote some Prophetic traditions, intentionally or unintentionally, to come up with meanings that contradict the previous facts. Among the misunderstood quotes is the saying of the Prophet: "O you women give in charity. I have been shown that you represent the greatest proportion of the dwellers of Hell-Fire. Women asked: 'Why, O Prophet?' He said: 'You are accustomed to cursing and denying favors. I have not seen such as you having incomplete mind and incomplete religion and have the power to influence the decisive, wise men.' They said: "What is missing in our religion and mind?" He said: 'Is not your testimony half of the testimony of a man?' That is why your mind is incomplete. Is it not true that you do not pray or fast during the menstruation period? That is why your religion is incomplete."⁽⁵⁸⁾

The context here is: the day was a festival day and the Prophet wanted to encourage women to donate for the sake of Allah. It was an appropriate time to tease them, using partial facts. They are partial facts because if their testimony, in some cases, is considered to be equal to half of the man's testimony or if they do not pray or fast during menstruation period it is not their fault. Here, the Prophet was praising the women by contrasting the special power they have over strong men with some apparently weak points of theirs. And if they represent the greater proportion of the dwellers of Hell, this is also natural

⁽⁵⁸⁾ al-Bukhari: menstruation.

because they outnumber men in reality. As for denying the favors by exaggerating the dislikes, it is one of the characteristics of the emotional person.

However, women's status in general could be classified under three categories:

1. Men and women are equals:

Islam made women close sisters of men, as the Prophet said, ⁽⁵⁹⁾ and it made men and women guardians for each other. The Holy Quraan reads: {The believers, men and women are guardians of each other. They enjoin what is just and forbid what is evil...}⁽⁶⁰⁾ The Quraan reads too: {To men is allotted what they earn and to women what they earn...}⁽⁶¹⁾ It also reads: {Whoever works righteousness, man or woman, and has faith, verily, to them will We give a new life and life}.⁽⁶²⁾ In another verse the Quraan reads: {For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, for men and women who engage much in the remembrance of Allah, for them Allah prepared forgiveness and great reward.}⁽⁶³⁾

Islam puts only half of the blame on Eve for being discharged from Paradise. ⁽⁶⁴⁾ Not only that, but it puts a greater blame on Adam, because he had the final word.⁽⁶⁵⁾

2. Women have greater rights:

⁽⁵⁹⁾ at-Termidhi: purification.

⁽⁶⁰⁾ Holy Quraan 9: 71.

⁽⁶¹⁾ Holy Quraan 3: 32.

⁽⁶²⁾ Holy Quraan 16: 97.

⁽⁶³⁾ Holy Quran 33: 35.

⁽⁶⁴⁾ Holy Quraan 2: 36.

⁽⁶⁵⁾ Holy Quraan 20: 121.

In Islam, the mother's rights are greater than the father's.⁽⁶⁶⁾ In Saudi Arabia, for example, based on a Prophetic tradition related to after birth confinement,⁽⁶⁷⁾ the government's civil service grants the new mother a fully paid forty-five days vacation, at least, in addition to her annual vacation. It also grants a widow about one hundred and thirty fully paid days off for mourning, on the basis of the period appointed for mourning, upon the death of a husband in the Holy Quraan ⁽⁶⁸⁾.

In Islam only females are allowed to wear pure silk cloth and golden ornaments.⁽⁶⁹⁾

Not only that, but Islam promised great rewards for bringing up female children. The Prophet said: "Whoever has three daughters or sisters and takes good care of them will surely enter Paradise."⁽⁷⁰⁾ It made the way a husband treats his wife a criterion of good character. The Prophet said: "The best among you is the best to his wife."⁽⁷¹⁾

Men get neither of these privileges. Shall we say that Islam discriminates against men?

3. Greater rights and responsibilities for men:

Islam made man in charge of his family concerning the living expenses and the final word in the family's affairs. It assigned him twice as much of the female's share of the inheritance if he is responsible for her living expenses.

Thus, we notice that Islam considers the male and the female as equals in importance, as night is equal to day-time, but not as night is equal to night. Both men and women are indispensable for any happy family. Likewise, a complete day cannot exist without both night and day time.

⁽⁶⁶⁾ see for example; Ismaeel, the Relation between Muslims and Non-Muslims p.86

⁽⁶⁷⁾ at-Termidhi, purity.

⁽⁶⁸⁾ Holy Quraan 2: 234.

⁽⁶⁹⁾ Muslim: clothing.

⁽⁷⁰⁾ at-termithi: doing favor and care.

⁽⁷¹⁾ at-Termidhi: qualities.

By way of comparison, if we go back to resolutions of the French revolution, which is a model of all cries of equal rights for women, and to some constitutions of the prominent Western systems, we notice that these models did not grant women many of the rights that Islam granted to women fourteen centuries ago, except during the last century.⁽⁷²⁾ In fact, there are still more rights to be legislated and approved for women in the West, after tireless efforts on their, rights which are already part of Islamic law. Among these is to put the full financial burden of the family on the man's shoulder and granting the female complete control over her wealth.

What is the Women's Role in the Political System?

In the light of the previously stated special qualities and privileges of females and males, it seems reasonable to put the highest decision-making responsibility in the hands of men. Muslim scholars who adopt this legal opinion depend on a Prophetic Tradition that says: "No success is expected for a nation that chooses a woman to be in charge of their affairs".⁽⁷³⁾ However, the opponents of this opinion say that this comment of the prophet is not a judgment but rather a prediction. He said it when he was told that the Persians had chosen a woman to be in charge of their affairs.

In general, we should bear in mind that the highest position in Islam used to be held by a person whose authority included the power of deducing laws from the Holy Quraan and the Prophetic Traditions, the judicial and the executive authorities. The question is: what is the case if the authority is limited? In fact, the issue is still under discussion.

It is also worthy to note that we should distinguish between the qualification of the leader of the whole Community

⁽⁷²⁾ Dawalibi pp. 4-5; The American Constitution did not grant the right to vote (i.e. to play a role in the nation's politics) except in 1920.

⁽⁷³⁾ Imam Ahmad: Sanad al-Basryeen.

of Islam and the leader of a particular Muslim nation or community. The debate regarding a woman assuming a leadership position is mainly related to the former, not the latter.

As far as the consultative authority is concerned, Islam respects women's intelligent consultation. The Prophet Muhammad (pbuh) who received revelation took the advice of a woman seriously and put it into action, as we can see in the following story. After concluding a pact with the tribe of *Quraish*, before embracing Islam, the Prophet commanded his Companions to give up their intention to perform *umrah* (the minor pilgrimage). They were so upset that they hesitated in carrying out his order because the agreement with *Quraish* included a provision, which says that Muslims should return whoever embraces Islam from *Quraish*, but not vice versa. When the Companions hesitated in complying with the Prophet's order he felt sad. Then *Um Salamh*, one of his wives, advised him to do the rituals of giving up the *umrah* himself without saying any word. The Prophet took her advice and did what she suggested. All the Companions followed suit instantly.⁽⁷⁴⁾

In general, Islam considers a woman not only qualified to hold responsible positions, but it considers her responsible in many areas. Among these is her family. The Prophet said: "All of you are guardians and responsible for your wards and the things under your care. The ruler is the guardian of his subjects and is responsible for them, and a man is the guardian of his family and responsible for them, and a woman is the guardian of her husband's house and responsible for it..."⁽⁷⁵⁾

⁽⁷⁴⁾ Ibn al-Qayyem, *Zad* vol. 3: 195.

⁽⁷⁵⁾ al-Bukhari: *Jumaah* prayer.

Why is a Woman's Testament Half of a Man's in Some Cases?

As a corollary to the above mentioned facts, it was natural for a man to be charged with the responsibility of supervision in his family. And this made him entitled to a greater weight in voting; i.e. the chairman's vote has a special weight. In addition to that, because of man's greater freedom to move around the environment and because he is less emotional and physically stronger he became more suitable to attest in some cases, especially in cases which may endanger the witness.

However, there are cases where a female's testament is equal to or more valuable than a male's. For example, even in learning the religious teachings, which is of utmost importance, Muslims took some of their knowledge from the wives of the Prophet Muhammad (pbuh) and studied at the hands of some prominent female teachers. In others, women are more qualified to attest, and their testament is weightier, such as in the purely female affairs. Similarly, in some cases only men are qualified for testament.

As a matter of fact, in some secular or man made laws the female is considered more qualified to take care of the children. In the USA, for example, when the parents are separated usually the children are given to the mother's custody. Here we do not say that the law discriminates against men or vice versa. The question is: Who is more appropriate for the case we have on hand?

After all, the verse that is quoted to support the case that a woman's testimony is half of a man's testimony reads: {O you who believe, if you deal with each other in transactions involving future obligations in a fixed period of time reduce them to writing...and get two witnesses out of your own men. And if there are no two men, then a man and two women, such as you choose for witnesses, So that if one of them errs the

other can remind her...}(⁷⁶)In other words, the verse may be considered a recommendation for the parties involved, rather than a judgment. What confirms this fact is that the testimonies accepted by judges in court could differ. For example, a judge may reject a testimony of a man who is a relative to the plaintiff and accept the testimony of a non-relative woman.

Why does a Female Inherit Half of the Male in Some Cases?

As we mentioned before, Islam has assigned man as the head of the household. But it did not give him this authority without burdening him equally with extra responsibilities. At the top of these responsibilities is to provide his family with the decent standard of living within his capabilities and with varied degrees of obligation depending on the type of his authority (a father, a brother, an uncle...). His close family means his wife and children. Sometimes, it could mean his parents who are unable to work as well as his younger brothers and sisters or unmarried sisters.

On the other hand, Islam did not burden the female with these responsibilities, even regarding her parents and their helpless children. In fact, even a rich wife is not required to support her poor husband or family.

Therefore, Islam forbids the husband to pay from his obligatory charity, *zakat*, to his wife or children, because his duty to provide them with the decent means of living comes before paying *zakat*. For *zakat* should only be paid to some fixed categories: those who collect it, the poor or a wayfarer who runs out of money... Allah says: {*as-Sadaqat* (here it means *zakat*) are only for the poor and those employed to collect the *zakat*, and to attract the hearts of those who have been inclined towards Islam and to free the captives and for those in debt and for the cause of Allah, and a wayfarer, a

(⁷⁶) Holy Quraan 2: 282 and the commentary on the verse.

traveler who runs out of his money; a duty imposed by Allah...}(⁷⁷)

In Islam, the woman has her independent legal identity, and she maintains that after marriage. Before marriage she is the daughter of her father, and after marriage she is still the daughter of her father. She does not have to change her family name after getting married, unlike the case in the Western culture, where she has to change her family name as if she were a property of her fathers' family then becomes a property of her husband's family.

She has full control of her properties before and after marriage, whether she owned them before or after marriage. She is also entitled to hire her husband or any other person to manage her business on her behalf.

Islam also grants a woman some free or semi-free services in addition to burdening the man with the financial responsibility. In return, Islam gives the male twice as much of what it gives his female counterpart (the wife or the sister) of the inheritance.

In other words, only in some cases males receive twice as much as females. If we ponder on just one single verse on inheritance we soon come to recognize that this increase is bound to financial responsibility. For example, Allah says: {Allah commands you as regards your children's inheritance; to the male a portion equal to that of two females. If there are only daughters, two or more, their share is two thirds of the inheritance, if only one, her share is half. For parents sixth share of inheritance to each if the deceased left children. If no children and the parents are the only heirs, the mother has a third, if the deceased left brothers or sisters, the mother has a sixth. In all cases, after the payment of legacies he may have bequeathed or debts. You know not which of them, whether

(⁷⁷) Holy Quraan, 9: 60.

your parents or your children are **nearest to you in benefit**. These fixed shares are ordained by Allah...}(⁷⁸).

It is clear from this verse that an only female child inherits half of her father's inheritance alone, and the rest is divided among all other relatives, whether they are males or females. The two daughters inherit two-thirds of the inheritance, and the rest is divided between the other heirs.

In fact, inheritance should not be the only financial source of income for any human being. For Allah has bestowed men and women with many gifts, which make them capable of earning their own living, and distinguished each of them with qualities essential for the survival of human communities. As for those who have been deprived, wholly or partially, of these capabilities Allah has made the community as a whole responsible for them. Islam assigned their share in the properties of the wealthy (the *zakat*), in addition to the responsibilities of the Muslim State to provide for them from the public treasury. It also encouraged the prosperous members of the community to pay charity in addition to *zakat*.

In the West, if women demanded equality in inheritance it is quite reasonable since her financial responsibility is equal to her male counterpart. It is her right, especially if the law divides the property of the divorced couple into two equal half's, regardless of who contributed most in acquiring these properties.

Why a Woman Cannot Marry without a Male Guardian?

A woman cannot marry herself without the approval of a guardian in general because in Islam before marriage her father, her brother or her son takes care of her, including the living expenses. If the marriage fails she goes back to her guardian's care. Furthermore, if the divorced husband fails to

(⁷⁸) Holy Quraan, 4: 11.

pay for his children the burden goes back to her guardian too. However, there are scholars who permit a woman to marry without a male guardian, in certain cases.

Divorce is in the hand of the man because the man is the one who proposes marriage usually, pays the marriage expenses, including gifts for his wife, housing and furnishing. The woman receives a dowry, which ranges from a symbolic gift to thousands of US dollars or Euros. On the top of that the husband should provide her with decent living, including clothing, housing and medical expenses. And if marriage fails, it is he who pays the alimony and is required to pay for his children's support, which includes their education's expenses. In addition to that, the more emotional person is the less thoughtful and sensitive to the end results of a wrong decision whether it is the marriage or the divorce.

Furthermore, the man of the house is like the government in a country and held responsible for the miss conduct of his house members. Therefore, Islam gave him some authority and means to discipline the family members who go astray and endanger the peace of the house. Among these means is, as the last resort, some types of physical punishment, which should not cause humiliation such as a slap on the face or contradicts mutual love and care that, naturally, exists between the married couples.

In the light of all these facts, the husband usually looks at divorce more seriously than the wife, especially if he is aware that divorce is the most hateful act to Allah among the permissible things.⁽⁷⁹⁾

On the other hand, a wife can acquire divorce through the courts, if necessary, and keeps the dowry for her husband's failure to fulfill his essential duties. She can also buy her way

⁽⁷⁹⁾ Abu Dawood: divorce.

out by paying back her dowry, and/or, sometimes, by paying part of the marriage expenses too.

Why only a Man Can Marry a non-Muslim?

In fact, this is a good example of how much Islam cares for women. It allows a Muslim to marry a woman from among the People of the Book (Jews and Christians). Allah says: {Made lawful to you this day all good things. The food of the People of the Book are lawful to you [except when specifically mentioned to be forbidden such as swine] and your food is lawful to them, and the chaste women from the believers and the chaste women from the people who received the scriptures before you, if you pay their dowry and take them in legal wedlock, not illegally or as concubines (girl friends).}⁽⁸⁰⁾ This is perhaps due to two reasons:

1. Judaism and Christianity are the early versions of Islam. Both religions were referred to in the Holy Quraan as Islam or some of its derivations. Accordingly, the Muslim husband partially respects his wife's religion, which in turn prevents him from humiliating her or forcing her to change her faith.⁽⁸¹⁾ This same fact made marriage to an atheist or a pagan forbidden for a Muslim, because Islam completely contradicts atheism and paganism. This fact is likely to jeopardize the marriage bond sooner or later.

2. Islam guarantees the wife's rights as part of the Divine law, which is not subject to change and it is binding on the Muslim husband. It guarantees the spouse's freedom of religion.

As far as the non-Muslim husband is concerned, he is either not committed to any religion that has obligatory laws, which preserve the wife's rights, or he follows some man made laws, which could be wrong and subject to change. Indeed, if we look closely at the laws concerning wife's rights in the secular

⁽⁸⁰⁾ Holy Quraan, 5:5.

⁽⁸¹⁾ see for example Holy Quraan, 2: 128, 132; 3: 67 and see al-Qadi who quoted over 20 verses from the Holy Quraan.

systems we will find many contradictions and on-going changes. Under all circumstances, there are no guarantee of freedom of belief or worship for the Muslim woman if she marries a non-Muslim person.

Why a Man Can Marry up to Four Wives?

The issue of Islam permitting a man to marry up to four wives provided that he is fair to them all was looked at as a negative thing especially from the women's perspective. But what are the facts? Allah says: {...Marry of your choice two or three or four, but if **you fear that you shall not be able to deal with them justly, then only one...**}⁽⁸²⁾ Not only that, but Allah warns: {You will never be able to show perfect justice between wives, so do not incline too much to one of them...}⁽⁸³⁾

However, looking at this issue with an open mind, especially the unmarried females will find it not only a positive law, but a Divine gift! for the following reasons:

1. It is obvious that females outnumber males in the world. This means if we have only one wife for a man, then there will be no chance for many women to get married.

2. It is a Divine gift because if the chance for a female to get married is one, by allowing men to marry up to four her chance of marriage will be four folds. A female may say: I do not need this opportunity. It is alright for her to say that, but she should remember that no one can force her to take it, and the opportunity is there in case she needs it.

3. Logically, to share a husband with other wives and to have clear-cut moral and legal rights along with the chance for safely satisfying sexual and motherhood inclinations is better than to have nothing of these. It is also better than to express the sexual instinct illegally, not only to be deprived of many advantages a married woman has, but also to be burdened with

⁽⁸²⁾ Holy Quraan, 4:3.

⁽⁸³⁾ Holy Quraan, 4:3.

numerous responsibilities. In addition to that, she will also be more subject to humiliation and exploitation by men.

As far as married women are concerned, it is natural that they may cast a scornful look at this kind of law, at first. But is it really that bad? I assume we agreed that without this permission of polygamy there would be more unmarried women. This means the unmarried women will compete harder to get married, even at the expense of getting a married woman divorced. In fact, many women recognize that the secret, illegal relations are threatening many families that are used to peaceful nests for the married couples. Therefore, allowing men to marry more than one woman will help the married women to keep their husbands and homes better.

Related to this issue also, a woman may ask: “Why women are not allowed to marry more than one man?” The question at first glance seems logical. But to be realistic, let us ask what women would gain from such opportunity? Would it – in the long run- secure her a man who will be next to her when she needs him, especially if she has no money or when she becomes sick? Would it secure her a responsible husband and a responsible father for her children?

In reality, the most probable answer is a big NO. One of the major reasons for this answer is because this kind of opportunity is a good chance for men to relieve themselves from the responsibility of being fathers and to hang this responsibility on the mothers’ shoulder.⁽⁸⁴⁾

Why Women are not Allowed to Drive in Some Countries?

Departing from the fact that the correct Islamic legal opinion is a result of a perfect interaction between the texts of the Holy Quraan and the authentic Prophetic traditions, on one hand, and the diagnosis of the reality in many cases, we can assure the reader that Islam does not prohibit nor does it

⁽⁸⁴⁾) See other reasons in the discussion of the penalty of adultery.

encourage women to drive cars. The whole question depends on the environment in which women live.

In the Kingdom of Saudi Arabia, for example, women tend to apply the maximum limits of veiling (*hijab*); i.e., to cover her complete face or only reveal her eyes, and the society in Saudi Arabia also prefers that kind of *hijab* and demands that from the females. In this kind of environment it seems better for a woman not to drive herself, especially if she is alone. This tendency, in fact, goes in harmony with the natural tendency of many people, including men who like to have the luxury of having a driver to take them around, as long as this luxury does not cost them too much.

In other environments, women prefer observing the minimum limit of *hijab*; i.e., revealing the whole face and wearing the Islamic clothes that do not reveal except the necessary parts of her body. In this environment though some prefer to drive themselves, but still many like to have the luxury to have someone to drive the car for them as long as it does not cost too much.

Why *hijab* for women?

Hijab means that an adult female wears unrevealing clothes, to cover her body from head to toes. As we have already mentioned some scholars consider covering the face as not compulsory while others do.

Many non-Muslim females look at *hijab* as a negative thing. I said non-Muslim female because a Muslim woman should recognize that this is the command of Allah and she has to abide with it if she is sincere to avoid the wrath of Allah. However, if we look at it carefully these objecting women may change their opinions. On one hand, *hijab* is a means of protection through modesty. It functions as a psychological barrier between the female and the others, especially men. It is similar to the military uniform, to dress extravagantly, having a

driver, a guard or secretary. They give an air of respect, which provides a person with some kind of protection from being bothered. On the other hand, unrevealing most of her body makes her more precious to men and remote to reach, except through a marriage bond that preserves her rights and self-respect.

To conclude our discussion of women's status in Islam, let us always remember to differentiate between Islam and Muslims' practice of Islam, which may vary greatly from the Islamic teachings. Indeed, they are two different things.

After all, let us ask a wise Muslim female, "Does she prefer the Western equity provided that she gives up her privileges granted by Islam?"

Application of Islamic Law and Extremism

A wise person recognizes that the word “extreme” has relative meanings. What could be extreme to one person might be lenient to another. Even in the same country it changes from time to time. There was a time when some American states considered capital punishment as an extreme punishment, which should be abolished from the law. But now it seems like some of these states are going back to the capital punishment. Then how can we define extremism?

To a Muslim, once he is convinced by sufficient evidence that a particular law is Divine, he has no doubt that this law is better than any man made law. For Allah is the One Who created humans and He knows best what is good for them. Therefore, if a nation or the majority of the citizens chooses Islam as a complete package of laws that regulates the relations between the citizens themselves and between them and the others, then there is no room for not applying it in their private or public life. And as we know according to the Charter of the UN, every nation has the right to determine what is good for it.

True Muslims firmly believe that Islamic law will certainly secure felicity and peace for the accountable beings (the jinn and humans) in this temporary life as long as the majority acts upon it. They also believe that it also guarantees happiness in the Eternal Life if the individual implements most of it, provided that he does not take partners with Allah, the One God. Allah says: {Verily Allah forgives not that partners should be set up with him in worship, but He forgives anything lesser for whomever He wills.}(⁸⁵)

(⁸⁵) Holy Quraan, 4: 48, 116.

It is true that Islam is very firm with some crimes and has assigned severe punishments for them, but it also made it clear that these punishments should not be applied without strong or unchallengeable evidence, according to strict rules. On the other hand, Islam is not the first to implement such laws, because these many of these laws are actually part of the Jewish and Christian laws as well.

Islam in general sets some basic rules and limits, which should not be tampered with. At the same time it provides, within the set boundaries, enough room to implement judgments that are results of interactions between the major sources of Islamic law and the careful diagnosis of reality.

Why Some Islamic Countries Enforce Extreme Punishments?

In fact, the Islamic government, as any other government, has to enforce the law that its people or the majority has chosen. If the people of any Islamic country have chosen Islam as a complete package of laws, then the government has no choice to but enforce it. Furthermore, the degree of severity here should not be measured by: (a) the opinion of a person regardless of whether he knows Islam or not, or whether he has conservative or liberal values. (b) Applications of the other Muslim countries. But it should be measured by the related texts in the Holy Quraan and the Prophetic traditions and what the knowledgeable jurists deduce from them. Reality says that the application of today's Muslim governments is lenient compared to the applications during the time of the Guided Caliphs or even the following generation. This is so, because these governments are aware of the circumstances of today's life where isolation is impossible and the temptation to violate Islamic teachings is great. Therefore, the Government is obliged to do its best to balance between the required degrees of firmness and to avoid being a cause of driving Muslims away from Islam completely.

In general, we notice that “punishment” In Islam is not meant to be a kind of revenge. But it is means of discipline for those who commit a crime or a deterrent to those who, otherwise, would easily commit it. Punishments can be classified under three categories:

1. A means of scaring away whoever thinks of committing the crime. It is so severe, but too difficult to implement. The only way to prove these crimes, is a completely willing confession to purify one’s self. An example of this is the death sentence for previously married person who commits adultery. For the Prophet once commented in the case of a woman who repeatedly confessed her guilt and was sentenced to death: “She has repented a repentance which can accommodate seventy people. Is there anything better than sacrificing herself in obedience to Allah?”⁽⁸⁶⁾
2. A reasonable means of dispensation for a crime that has been committed.
3. A means of compensation for violated rights of a certain person, with an opportunity to waive application of penalty.

Can an Islamic Government Abolish Capital Punishment?

First of all, Allah says: {O you who believe legal retribution [in the form of capital punishment] is prescribed in case of murder: the free for the free, the slave for the slave and the female for the female. But whoever overlooks from his brother [i.e. the killer] by his brother anything, then there

⁽⁸⁶⁾) at-Termithi: al-Hudood.

should a suitable follow up and payment to him [the legal representative] with good conduct...}(⁸⁷) And Allah says about the grievance of the crime of killing an innocent person purposefully: {...If any one killed a person not in relation of murder or to spread mischief in the land, it would be as if he killed all mankind.}(⁸⁸) Therefore, if an Islamic government implements this law, it is only doing its duty.

Secondly, no government can afford not enforce the laws chosen by the majority.

It is clear from the above verse that Islam preserves the rights of the party concerned and leaves the door open for forgiveness. Very often, forgiveness may come at the last moment when the criminal has learned a lesson. This is fair because even according to the secular laws the government cannot pardon the captured thief along with what he had stolen without permission of the victim.

As a matter of fact, if we look at the reaction to the September 11 incident and the punishment approved by the Security Council, capital punishment is fully justified, because it is executed only when the criminal is proven guilty beyond doubt, and he alone will receive the punishment. This is to be compared to the unfair punishment actually carried out, which included thousands of helpless children, women and aged men who were either killed, injured or lost their shelters in the severe winter.

Allah says: {And there is life for you in legal retribution [i.e., capital punishment] o men of understanding that you may become pious.}(⁸⁹)

In other words, to kill one guilty person helps save the lives of many innocent people. Besides, it might also save the

(⁸⁷) Holy Quraan, 2: 178.

(⁸⁸) Holy Quraan, 5: 32.

(⁸⁹) Holy Quraan, 2: 179.

life of the criminal, who may otherwise commit homicide carelessly, to be killed himself afterwards, in addition to the punishment in Hell-Fire in the Hereafter.

Indeed, killing one person proven beyond doubt to be a murderer of an innocent person is more merciful than allowing a criminal or a bunch of criminals to kill many innocent people randomly to fulfill personal whims or to realize some evil interest. So, Islam by enforcing this kind of punishment is trying to protect the lives of the innocent people and relieve them from the terror of being killed by some criminals. And this is exactly what most of the nations do. Even on the level of the UN, international peace cannot be maintained without punishments severe enough to maintain or restore peace, but after making sure the accused is guilty.

If the evil party uses killing and destructive means to spread evil, why can't the good party use it to combat evil and realize the public interest?

Islam forbids killing the innocent and forbids terrorizing the peaceful without sufficient reasons. It also forbids aggressors to occupy other people's land and to drive the original people out of their homes.

Islam also considers supporting the criminals a crime, regardless of the type of support, whether it is financial, military or the "Veto" in the Security Council. Allah says: {And help you one another in virtue, righteousness and piety but do not help one another in sin and transgression.}(⁹⁰)

Can Muslims Abolish the Punishment of Cutting the Thief's Hand?

First of all, Allah says: {As for a male thief or a female thief cut off (from the wrist joint) their hands in recompense for what they committed, as a punishment from Allah.}(⁹¹)

(⁹⁰) Holy Quraan, 5: 2.

(⁹¹) Holy Quraan, 5: 38.

Therefore, if an Islamic government implements this law, it is only doing its duty.

Secondly, no government can afford not to enforce the laws chosen by the majority.

Islam protects the basic necessities of humans: his life, his mind, his property, his honor and his faith. A Companion ⁽⁹²⁾ reported that Prophet Muhammad said on the Day of Sacrifice: ⁽⁹³⁾ “O, you people. What is this day? The pilgrims said: It is a sacred day. He said: What place is this? They said: It is a sacred place. He said: what month is it? They said: It is a sacred month. He said: Your life, your properties and your honor are as sacred as this place, this month, and this day.”⁽⁹⁴⁾ Therefore, transgressing against these things on purpose and intentionally deserves severe punishment that deters criminals from committing them. And theft terrorizes the community and also may cause homicide, either to facilitate the theft or to defend one’s self. However, there are very strict conditions to be fulfilled before carrying out the punishment.

Can Muslims Abolish the Punishment of Flogging the Fornicators?

First of all, Allah says: {The woman and the man guilty of illegal sexual intercourse flog each of them with a hundred lashes. Let not pity withhold you in their case, in a punishment prescribed by Allah; and let a party of the believers witness their punishment.}⁽⁹⁵⁾ Therefore, if an Islamic government implements this law, it is only doing its duty.

Secondly, no government can afford not to enforce the laws chosen by the majority.

⁽⁹²⁾ A Companion is a Muslim male or a female who saw Prophet Muhammad in person.

⁽⁹³⁾ The Day of Sacrifice is the tenth day of the twelfth month according to the Islamic calendar, when pilgrims offer their sacrifices.

⁽⁹⁴⁾ al-Bukhari: Haj.

⁽⁹⁵⁾ Holy Quraan, 24: 2.

If we study free sexual relationship and its outcome we find it one of the major contributors to many social problems, such as runaways, joining gangs, abandoned babies, committing crimes such as abortion, insecure marriages and weak family relations.... No wonder Islam regulates the sexual relationship in a way that permits a male or a female to satisfy the instinct of sex but also to shoulder responsibility to its outcome. So the community's needs are kept in balance and the individual's rights are preserved, especially the rights of the innocent infants and children. It is their right to find someone who takes care of them without putting the whole burden on the mother. It is not fair that both the male and female enjoy the sexual relation and the male gets away with it easily. In fact, those laws or resolutions calling for free sexual relations are only legalizing men's exploiting females in the worst form of exploitation.

Even in cases of using contraceptives, in reality, we are depriving females from satisfying the motherhood instinct. Besides, the problem appears in another form; i.e., depriving the community or the nation of an essential sector of the population, the youth. The number of the aged will eventually increase while the number of the younger generation decreases. This will, certainly, have its negative social, economic and defense impacts on the nation. In addition to that, the illegal relationship may lead to the crime of revenge because of the natural jealousy.

For all these evils of free sexual relationship, Islam, which is concerned about the rights of the female and the helpless children, assigns a severe punishment that may secure a healthy, productive relationship between the two sexes.

It is true, the punishment is severe, but Islam requires proofs, which could be considered next to impossible, in order to leave room for the two to repent and to be covered. For example, to prove a person guilty of adultery there has to be

four witnesses who are able to describe the sex act in detail. Not only that, to protect especially the females' reputation Islam assigned a severe punishment for false accusation. Allah says: {And those who accuse chaste women and do not produce four witnesses flog them with eighty lashes and reject their testimony forever.}(⁹⁶)

Where is the Truth about Death Sentence for Adulterers?

The death sentence for an adulterer who has experienced marriage life is subject to a hot discussion. There are scholars who support the opinion that this punishment is still valid. Their evidence is that the Prophet executed this rule in case of Ma'ez al-Aslami(⁹⁷) the Ghamidi woman(⁹⁸) the Juhani woman(⁹⁹) and Shurahah.(¹⁰⁰) Also the Prophet said: "the adulterer [who had experienced marriage] deserves one hundred lashes and death sentence by stoning."⁽¹⁰¹⁾ Umar the second Caliph said that the verse which imposed this rule has been removed from the Holy Quraan but not the ruling.(¹⁰²)

There are others who said that this ruling of punishment is only to scare off a person from committing adultery because adultery was so widely spread at the advent of Islam. So, there was a need to stop it by announcing a very severe punishment, but, originally, it was not to be executed. This group summarizes its arguments in the following points:

1. Islam made it very difficult, actually next to impossible, to prove adultery by requiring four witnesses seeing the actual intercourse taking place in a way that is impossible under normal circumstances. Not only that, but it also

(⁹⁶) Holy Quraan, 24: 4.

(⁹⁷) ibn Maajah: al-Hudood.

(⁹⁸) Imam Ahmad: Bagi Musnad al-Ansar.

(⁹⁹) Imam Ammad: Musnad al-Basriyeen.

(¹⁰⁰) Imam Ahmad: al-Asharah al-Mubashareen bil Jannah.

(¹⁰¹) Muslim: al-Hudood.

(¹⁰²) al-Bukhari: al-Hudood.

threatened anyone who slander a chaste man or woman by accusing him/her of adultery to be lashed eighty lashes.⁽¹⁰³⁾ It also gave the accused wife a chance to clear herself of this guilt only by giving four testimonies swearing by Allah that the accusation is false and a fifth oath that the wrath of Allah be upon her if the accusing husband was truthful.⁽¹⁰⁴⁾

2. All cases during the prophet's time were executed based on a willful confession, and the Prophet (pbuh) desperately tried to avoid the need for applying the ruling. To take an example of Ma'ez, the Prophet turned away from him four times on different days, he asked the man's folks about his mental situation and tried through embarrassing questions to dissuade him. Finally, when the Prophet was told that Ma'ez ran away during the execution of the judgment of stoning and they followed him, he said: Why did you not leave him alone?

Concerning the Ghamidi woman the Prophet kept delaying her punishment, hoping she would not come back and refrain from confession. She kept insisting till he told her, in the last time, to come back after she completed breast-feeding her child; i.e., two years of delay.

3. One person cannot commit adultery. Yet, in all cases except one the Prophet did not make any effort to find out who was the other party to be punished. The only case is when the husband took compensation from his wife's partner and the case was presented before the Prophet.

4. The evidences of abrogation of the ruling is stronger because: (a) There was another ruling for a wife who commits adultery that was not stricken out of the Holy Quraan but the ruling was abrogated. (b) Therefore, if the verse was removed from the Holy Quraan, as claimed by some, the ruling must have been abrogated too.

⁽¹⁰³⁾) Holy Quraan 24: 4.

⁽¹⁰⁴⁾) Holy Quraan 24: 6-9.

In fact, the warning of very severe punishment is found in other cases such as cursing those who are involved in usury, a woman who use tattoo or does it for the others.⁽¹⁰⁵⁾ Here, cursing does not mean praying for the person to be deprived from the mercy of Allah, but is used as an intensified warning.

This kind of regulation is familiar even in the man made law. For example, some states in the USA assign a fine of five hundred dollars for lettering on highways.

In general, when we look carefully at these forms of punishments we notice that they concentrate on the public's rights. For whoever practices sex in a way that four people can describe up to the details is not violating the relative's honor, but offends and challenges the public morals as well.

Does a Person Deserve Death Sentence for Apostasy?

As we mentioned earlier, there is no compulsion in religion, but when a person chooses Islam willingly he is signing a life long bond with Allah. Therefore, some Muslim scholars justify the Prophet's saying: "Whoever changes his religion kill him."⁽¹⁰⁶⁾ This, is in a way similar to a person who agrees to become a citizen of a country, which implements capital punishment for certain crimes. The agreement is binding on all parties, and no party can break from it without the consent of the other party. Furthermore, this ruling came when there were no sufficient records for the citizens, and the only way to distinguish between the different categories was religion.⁽¹⁰⁷⁾ It was easy for the Muslims' enemies to change their religion back and forth to create confusion among Muslims and to lure them into disbelief. So, there was a need to

⁽¹⁰⁵⁾) for example al-Bukhari: the dealings.

⁽¹⁰⁶⁾) al-Bukhari: al-Jihad.

⁽¹⁰⁷⁾) Islam experienced in Medina's political entity the religious and race multiplicity fourteen centuries ago.

close this door, at least by declaring a severe punishment for those who did that.

Religion was a major form of identity; it imposes duties and grants privileges, which could be misused. The Islamic state, as any other state, does not allow people to play with the law or to exploit the national identity. As an example of exploitation of the Islamic identity the Holy Quraan reads: {A section of the people of the Book say: “Believe in the morning what is revealed to the Believers, But reject it at the end of the day: perchance they may themselves turn back.}(¹⁰⁸) It could also be added that Islam is the latest version of the Divine religion, and for a Muslim to turn back to Christianity, as an example, or Judaism is reverting, but the other way around is a kind of advancement.

However, Muslim scholars have differed on the nature of this ruling, whether it is for literary implementation or it is only a threat, especially because of the following:

1. There is no agreement about applying that to females.

2. There is agreement about the necessity of the opportunity for repentance, but there is disagreement about its duration. In fact, some scholars are convinced that it is a life long opportunity because Allah says: {And whoever of you reverts from his religion (to disbelief) and dies while he is a disbeliever –for those their deeds have become worthless in this world and the Hereafter...}(¹⁰⁹) Also because the Prophet said that deeds are bound with to their endings.(¹¹⁰) The prophet said too: “Allah accepts the repentance of his servant up to his last breath.”(¹¹¹) In another Prophetic tradition death punishment is

(¹⁰⁸) Holy Quraan 3: 72.

(¹⁰⁹) Holy Quraan, 2: 217. see Saheeh International translation.

(¹¹⁰) al-Bukhari: ar-Riqaq; see also Ismaeel pp. 54-55; and see Chapter 2: 217, Ahmad: sanadul mukthreen mnas sahabah.

(¹¹¹) Ahmad: sanadul mukthreen minas sahabah.

tied up with taking a hostile position against Islam along with apostasy.⁽¹¹²⁾

⁽¹¹²⁾ al-Nisae: tahreem addum.

Conclusion

There are major facts a person must acquire about Islam before he qualifies himself to discuss its contents, the faith, the laws and morals. Among these major facts are:

First, Islam is a complete system or unit composed of harmonious parts. It includes the basics of the best way to deal with Allah, the Creator of the Universe, and the best way of dealings among the creatures. This life is only a farm for the Life Hereafter. What we cultivate we harvest only small portion of in this life, but what counts is what we harvest in the Eternal Life. Negligence in applying any of the parts of the Islamic system, which are stated clearly in the Holy Quraan and the authentic traditions of Prophet Muhamad, has negative effects on the Muslim's destiny in the Eternal Life.

Second, Islam, in general, means to submit to Allah the One. It is the religion that Adam preached. Afterwards the other messengers of God preached it. Finally, Muhammad the seal of the messengers preached it (May peace and blessings of Allah be upon them all). Allah commanded Muslims to invite to this last version of His message, which suites the current circumstances till the Day of Judgment. So Muslims cannot monopolize it, because it is the way to attain comprehensive felicity for the accountable beings (Jin and Humans); but there is no compulsion in religion.

Third, Islam takes care of the majority and the minority in a single unit of a political system, but with varying degrees appropriate to each group. It gives the majority the upper hand in public affairs, where multiplicity is impossible. However, in matters of personal affairs, such as worshipping and civil rights, Islam gives the minority its rights within the bounds of the

basic principles of the constitution, which has been chosen by the majority.

Fourth, Allah made Islamic law qualified to be an efficient law till the Day of Judgment.

Fifth, Allah made cooperation among the accountable beings (the Jinn and the humans) a natural inclination and encouraged coordination to attain happiness for all, in the temporary life and in the eternal. Even if some accountable beings refuse cooperation to realize felicity in the Eternal Life by rejecting Islam, Muslims are still encouraged to treat them kindly and cooperate with them, to realize prosperity for all in this temporary life at least.

Sixth, many Western opinion leaders accuse Islam of being a religion connected to terrorism. In fact, the Islamic stand regarding this issue does not differ from the others' stand. Regardless of the euphuistic names given to terrorism by some politicians, terror is actually been used in two cases:

1. When a person or a country uses terror to oppress others, or to help an oppressor, which Islam forbids completely.
2. When a person or a country uses terror to defend oneself or a victim of oppression, which Islam approves and encourages, but with some restrictions.

Some Non-Muslims, as well as some non-committed Muslims, raise questions about aspects of Islamic law, ignoring two major facts:

1. Allah Who created the accountable beings (jinn and humans) knows best what is good for them.
2. The human beings' means of knowledge is limited. Therefore, they are not qualified to question the Creator's infinite knowledge.

It is true that to some extent humans can figure out some of the wisdom behind the Divine laws, but none could claim that he is qualified to know everything.

Maybe one of the conspicuous examples of the superiority of the Divine law to man made laws is the status of women in Islam. While Islam granted females many rights fourteen centuries ago, secular laws are still struggling to come up with more suitable laws for them.

Some people may oppose Islamic governments' enforcing extreme punishment, because they ignore few facts:

1. If a majority in any nation chooses the laws that guide the relationship among themselves and between them and the others inside the country, then even the democratic norms approve of it.

2. The United Nations asserts the right of self-determination for each nation.

3. There is a difference between the local government applying the law chosen by the majority and abusing the law against some citizens or foreigners.

4. Reviewing human experience with law making proves that, in many fields, Islamic law is more appropriate in preserving human rights and in balancing between the diversified and contradictory rights; i.e., between reality and fantasy, between the individuals and the groups and between the demands of the temporary life and the demands of the Eternal Life.

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